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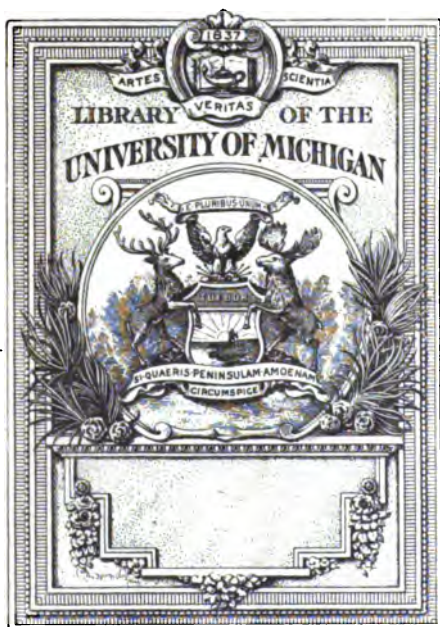
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ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN,
PASSED AT THE
REGULAR SESSION OF 1867.

VOL. I.



BY AUTHORITY.

LANSING:
JOHN A. KERR & CO., PRINTERS TO THE STATE.
1867.

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LAWS OF MICHIGAN.

[No. 1.]

AN ACT to provide for the payment of the officers and members of the Legislature, for the year eighteen hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact,* That ^{Appropriation} there be and hereby is appropriated, out of any money in the treasury, to the credit of the general fund, a sum not exceeding forty thousand dollars, for the payment of the officers and members of the Legislature, for the present session.

Sec. 2. The compensation of the President and members of ^{Compensation of mem- bers.} the Senate, and of the Speaker and members of the House of Representatives, shall be three dollars per day each, for actual attendance, and when absent on account of sickness, during the present session of the Legislature, and ten cents for every mile ^{Mileage.} actually traveled in going to and returning from the place of meeting, on the usually traveled route; and to the members of the Senate and House of Representatives from the Upper Peninsula, two dollars per day each additional, during this session of the Legislature. Each member of the Senate and the ^{Stationery.} House of Representatives shall be entitled to receive five dollars for stationery and newspapers. The compensation of the ^{Officers.} secretary, engrossing and enrolling clerk, and sergeant-at-arms of the Senate, and their authorized assistants, and of the clerk, and engrossing and enrolling clerk, and sergeant-at-arms of the House of Representatives, and their authorized assistants, and the clerks employed with the consent of the Senate or House of Representatives by any of the standing or special committees of either of said houses, shall be three dollars a day each for actual attendance during the session, and ten cents for every mile actually traveled, in going to and returning from

Firemen. the place of meeting, on the usually traveled route. The compensation of the firemen of the Senate and House of Representatives and their authorized assistants, and the postmaster of **Postmaster.** the Legislature, shall be three dollars per day; and that of the **Messengers.** messenger boys and keeper of the cloak-room two dollars per day for the time actually employed in attendance during the session.

Certificate of dues; by whom signed. Sec. 3. Such sums as may be due, under the provisions of this act, to the secretary of the Senate and the clerk of the House of Representatives, shall be certified by the presiding officers of the respective houses, and countersigned by the Auditor General; and such sums as may be due the President of the Senate and Speaker of the House of Representatives, shall be certified by the secretary or clerk of the respective houses, and countersigned by the Auditor General; and such **Payment thereof.** sums as may be due to the members and other officers of either house, shall be certified by the secretary or clerk, and countersigned by the presiding officer of the respective houses; and the State Treasurer, upon the presentation of any such certificate, countersigned as provided in this section, is hereby authorized and directed to pay the same.

Sec. 4. This act shall take immediate effect.

Approved January 19, 1867.

[No. 2.]

AN ACT to enlarge the powers and duties of sheriffs, under and deputy sheriffs.

Powers of sheriffs in counties, except Wayne.

SECTION 1. *The People of the State of Michigan enact, That* any sheriff, under sheriff, or deputy sheriff of any county of this State, except the county of Wayne, may and shall hereafter be fully authorized to serve or execute any and all process, civil or criminal, issued, or which may by law be issued, by any justice of the peace, and to have and exercise all the powers and duties of constables; and for such services they shall be

entitled to the same fees as are now, or may be allowed by law to constables in like cases.

Sec. 2. This act shall take immediate effect.

Approved January 31, 1867.

[No. 3.]

AN ACT to amend section one thousand two hundred and eighty-two of the compiled laws, relating to limited partnerships.

SECTION 1. *The People of the State of Michigan enact, That* ^{Section amended.} section one thousand two hundred and eighty-two of the compiled laws, be so amended as to read as follows:

(1282.) Sec. 14. The business of the partnership shall be ^{Partner-} carried on under a firm in which the name of one or more ^{ships; how} of ^{carried on.} the general partners only shall be inserted, with or without the addition of the words "and company," or any other general term; and if the name of any special partner shall be used in ^{Special part-} said firm with his consent or privity, or if he shall personally ^{ner.} make any contract respecting the concerns of the partnership, with any person except the general partners, he shall be deemed and treated as a general partner.

Sec. 2. This act shall take immediate effect.

Approved February 1, 1867.

[No. 4.]

AN ACT to amend an act entitled "an act to provide for the draining of swamps, marshes and other low lands," approved March fifteenth, eighteen hundred and sixty-one, by adding thereto a new section.

SECTION 1. *The People of the State of Michigan enact, That an* ^{Act amended.} act entitled "an act to provide for the draining of swamps, marshes and other low lands," approved March fifteenth, eighteen hundred and sixty-one, be amended by adding thereto a new section, to stand as section twenty-eight, and read as follows:

Drains

Sec. 28. Whenever any drain shall be laid along or near the boundary line of any city or village, under the provisions of this act, and any lands within said city or village shall be benefited thereby, the said commissioners shall make an estimate of the sum that ought to be levied on each parcel of land so benefited, in the same manner, and the same proceedings shall be thereupon had as if said lands had been included within a township; and whenever said commissioners shall find it necessary, they may, with the consent of the common council or trustees, lay and construct any drain commenced in a township, through or into the limits of a city or village; and may in like manner estimate the sums that ought to be levied on any parcel of land within such city or village that shall be benefited by such drain, and the same proceedings shall be thereon had, and the sums collected in the same manner, as if said lands were situated in a township.

Commissioners to estimate sum levied on.

Commissioners may construct.

Sec. 2. This act shall take immediate effect.

Approved February 5, 1867.

[No. 5.]

AN ACT making an appropriation to pay the arrearages of the Asylum for the Deaf and Dumb, and the Blind, for the years eighteen hundred and sixty-five and eighteen hundred and sixty-six.

Appropriation.]

SECTION 1. *The People of the State of Michigan enact, That* the sum of seventeen thousand dollars be and the same is hereby appropriated, out of the general fund, and the same shall be passed to the credit of the Asylum fund of the Deaf, Dumb and Blind Asylum, on the books of the State Treasurer, for the purpose of paying arrearages for the years eighteen hundred and sixty-five and eighteen hundred and sixty-six, and the same shall be drawn upon warrants made by the board of trustees, and countersigned by the Auditor General.

How drawn

Sec. 2. This act shall take immediate effect.

Approved February 7, 1867.

[No. 6.]

AN ACT making appropriation to pay the arrearages of the State Reform School, for the years eighteen hundred and sixty-five and eighteen hundred and sixty-six.

SECTION 1. *The People of the State of Michigan enact, That the* Appropriation.
sum of sixteen thousand dollars be and the same is hereby appropriated, out of the general fund, to pay the arrearages on the debt of the State Reform School, for the years eighteen hundred and sixty-five and eighteen hundred and sixty-six, and the same shall be passed to the credit of the State Reform School, and shall be drawn on the warrant of the Auditor General, who is authorized to draw his warrant on the State Treasurer, on the presentation of vouchers, certified by the Board of Control and Board of State Auditors, for the above amount, as the Board of Control may direct. How drawn.

Sec. 2. This act shall take immediate effect.

Approved February 7, 1867.

[No. 7.]

AN ACT to prevent the adulteration of milk, and to prevent the traffic in impure and unwholesome milk.

SECTION 1. *The People of the State of Michigan enact, That any* vending of
person or persons who shall knowingly, with intent to cheat or impure milk
defraud, sell, exchange or deliver, or offer for manufacture at a misdemeanor
any cheese factory, any impure, adulterated or unwholesome
milk, shall be deemed guilty of a misdemeanor, and shall for-
feit and pay, on the first conviction, twenty-five dollars and the Penalty for
costs of suit or prosecution, and shall be at once committed to first offense.
the common jail of the county, until the same be paid. On the Second.
second conviction for the like offense, he shall forfeit and pay
fifty dollars and the costs of suit or prosecution, and shall be
committed as aforesaid until the same be paid. On the third Third.
and every subsequent conviction, he shall forfeit and pay one
hundred dollars and costs of suit or prosecution, and shall be
committed as aforesaid until the same be paid.

Adulterating milk.

Sec. 2. Any person who shall adulterate milk with a view of offering the same for sale, exchange or manufacture, or shall keep cows for the production of milk for market, or for sale, exchange or manufacture, in an unhealthy condition, or feed the same on food that produces impure, diseased or unwholesome milk, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be liable to the same penalties as provided for the violation of the preceding section of this act:

Penalty therefor.

Provido.

Provided, That on the first conviction for the violation of either this or the preceding section of this act, such person shall not be held committed for more than ten days; for the second conviction not more than twenty-five days, and for the third and every subsequent conviction, not more than fifty days.

Withholding cream or strippings.

Sec. 3. Any person who shall sell or deliver at any cheese factory, or to any cheese manufacturer, to be made into cheese, any milk from which any cream has been taken, or any milk known as skimmed milk, or any milk from which that part thereof known among dairymen as strippings, has been withheld or kept back with intent to cheat or defraud such manufacturer, or with intent to cheat or defraud any other person or persons, contributing or delivering milk to such factory or cheese manufacturer, to be made into cheese, shall be deemed guilty of a misdemeanor, and shall be punished therefor as provided in section two of this act.

Deemed a misdemeanor or. Penalty therefor.

Adding water.

Sec. 4. The addition of water to milk, with intent to cheat or defraud, is hereby declared to be an adulteration.

Approved February 7, 1867.

[No. 8.]

AN ACT to provide for the incorporation of lodges of the independent order of good templars.

Incorporation authorized.

SECTION 1. *The People of the State of Michigan enact*, That the grand and subordinate lodges of the independent order of good templars, of the State of Michigan, may be incorporated in pursuance of the provisions of this act.

Sec. 2. Any five or more persons, residents of this State, being ^{Articles of association.} members of any grand lodge of the independent order of good templars, of the State of Michigan, desirous to become incorporated, may, with the consent of such lodge, make and execute articles of association, under their hands and seal, which said articles of association shall be acknowledged before some officer of the State having authority to take acknowledgment of deeds, and shall set forth:

First. The names of persons associating, in the first instance, ^{Contents of.} and their places of residence.

Second. The corporate name by which such association shall be known in the law, and the place of its business office.

Third. The object and purpose of such association, which shall be to promote the general welfare of the fraternity known as the independent order of good templars, and the period for which it is incorporated, not exceeding thirty years.

Sec. 3. A copy of said articles of association, together with a ^{Articles, where filed.} copy of the charter and constitution of said grand lodge, shall be filed with the Secretary of State, and thereupon the persons who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate, by ^{Body corporate.} the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall ^{Power of.} be persons in the law, capable to purchase, take, receive, hold and enjoy, to them and their successors, estates, real and personal, of suing and being sued, and they and their successors may have a common seal, which may be changed and altered at their pleasure: *Provided,* That the value of such real and ^{Proviso.} personal estate shall not exceed the sum of one hundred thousand dollars, and that they may, and their successors shall have ^{May sell property.} authority and power to give, grant, sell, lease, mortgage and dispose of said real and personal estate, or any part thereof, at their will and pleasure, and the proceeds, rents and incomes shall be devoted exclusively to the humane and benevolent purposes of the independent order of good templars. Said corpo- ^{By-laws.} ration shall have full power and authority to make and estab-

lish rules, regulations and by-laws for regulating and governing all the affairs and business of said corporation, according to the laws of this State and the United States, and to designate, elect, or appoint from its members, such officers, under such name and style as shall be in accordance with the constitution of the grand lodge.

Copy of articles to be evidence of incorporation.

Sec. 4. A copy of the record of such articles of association, under the seal of the State, duly certified according to law, shall be received as *prima facie* evidence in all courts of this State, of the existence and due incorporation of such corporation.

Corporation may charter subordinate lodges, etc.

Sec. 5. Such corporation, when duly formed, shall have power to institute and charter subordinate lodges within this State, and from time to time, to make, ordain, constitute and establish such constitution, general laws and by-laws, ordinances and regulations as the grand lodge shall judge proper for the regulation and government of such subordinate lodges,

Provided.

not repugnant to the laws of this State: *Provided*, That the existing subordinate lodges heretofore duly chartered by the grand lodge, shall be subject to the control of the grand lodge under this act, as heretofore, and in the same manner and to the same extent, as those that may be hereafter instituted and chartered under this act: *Provided further*, That in case the corporators, or persons associating in the first instance, shall by death, resignation, or for other causes, under the rules of the grand lodge, become ineligible to act in such capacity, their successors may, from time to time, be appointed by the grand lodge.

Incorporation of subordinate lodges.

Sec. 6. Any five or more persons, resident of this State, being members of a subordinate lodge of the independent order of good templars, having been duly chartered by the grand lodge, desirous to become incorporated, may, with the consent of such lodge, make and execute articles of association, specifying as provided in section two of this act, and file a copy of the same with the clerk of the county in which such corporation shall be formed, which shall be recorded by such clerk in a book to be kept in his office for that purpose; and thereupon

Articles, where filed.

the persons who shall have signed said articles of association, their associates and successors shall be a body politic and corporate, by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in the law, capable to purchase, hold, enjoy, grant, sell, give, lease and mortgage, real and personal estate; of suing and being sued, and may have a common seal, and change and alter the same at pleasure; and a certified copy of the record of such articles of association, under the seal of the county where the said record is kept, shall be received as *prima facie* evidence in all courts of this State, of the existence and due incorporation of such corporation: *Provided*, That said corporation shall be limited to the powers and provisions of section three of this act, regarding real and personal estate, and the proceeds thereof, under the rules and regulations of the grand lodge, and may elect or appoint from among its members such officers, under such name and style as shall be in accordance with its constitution.

Sec. 7. Any corporation formed in pursuance of this act, may erect and own such suitable edifice, buildings or hall, as to such corporation shall seem proper, with convenient rooms for the meetings of the fraternity of good templars, and for that purpose may create capital stock of not more than fifty thousand dollars, to be divided into shares of not more than twenty-five dollars each; and any such corporation may take, purchase, hold and own such suitable lot or parcel of ground as may be convenient for the purpose of a cemetery, and may make all lawful rules and regulations for the disposition of lots, and the burial of the dead therein, as to such corporation may seem proper.

Sec. 8. Any grand lodge of the independent order of good templars, of the State of Michigan, and any subordinate lodge thereof, having been duly chartered, may be incorporated in like manner as grand and subordinate lodges of the independent order of good templars, and enjoy the same powers and privileges and benefits, under the provisions of this act.

Subject to
provisions
of former
act.

Sec. 9. All corporations formed under this act, shall be subject to the provisions of chapter seventy-three, of the compiled laws of this State, so far as the same may be applicable to corporations formed under this act, and the Legislature may alter or amend this act at any time.

Approved February 7, 1867.

[No. 9.]

AN ACT to amend section two, of an act entitled "an act for the relief of school districts," approved February seventh, eighteen hundred and fifty-five, and to add two new sections thereto.

Act amend-
ed.

SECTION 1. *The People of the State of Michigan enact*, That section number "two," of an act entitled "an act for the relief of school districts," approved February seventh, eighteen hundred and fifty-five, be so amended as to read as follows:

In case of
disagree-
ment upon
compensa-
tion for
school-
house site.

Sec. 2. Whenever a site for a school-house shall be designated, determined or established, in any manner provided by law, in any school district, and such district shall be unable to agree with the owner or owners of such site upon the compensation to be paid therefor, or in case such district shall, by reason of any imperfection in the title to said site, arising either from break in the chain of title, tax sale, mortgages, levies, or any other cause, be unable to procure a perfect, unincumbered title, in fee simple, to said site, the district board of such district shall authorize one or more of its members to apply to the circuit judge, if there be one in the county, or to a circuit court commissioner of the county, or to any justice of the peace of the city or township in which such school district shall be situated, for a jury to ascertain and determine the just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same, which application shall be in writing, and shall describe the real estate required by such district as accurately as is required in a conveyance of real estate.

Board may
apply for a
jury.

Contents of
application.

Sec. 2. That the following two additional sections shall stand Sections added.
as sections numbered twenty-one and twenty-two of said act,
and read as follows:

Sec. 21. Whenever any school district shall have designated, Evidence of necessity for site.
selected or established, in any manner provided by law, a
school-house site, such selection, designation or establishment,
shall be *prima facie* evidence to said jury of the necessity to use
the site so established.

Sec. 22. In case the said school-house site is encumbered by Proceedings in case of incumbrances.
mortgage, levy, tax sale or otherwise, as aforesaid, the mort-
gagee, or other parties claiming to be interested in said title,
shall severally be made a party to the procedure as aforesaid,
and shall be authorized upon the filing of the certificate of the
jury in the circuit court of said county, to appear before the
circuit judge and make proof relative to their proportionate
claims to the said site, or the compensation to be made therefor,
as determined by said jury. And the said circuit judge shall, Duty of circuit judge.
by decree, settle their several claims in accordance with the
rights of the parties respectively, and may divide the sum
awarded by said jury between the claimants as in his judgment
will be equitable and right, rendering against said district a
separate judgment for each of the amounts so awarded.

Sec. 3. This act shall take immediate effect.

Approved February 7, 1867.

[No. 10.]

AN ACT to confirm the title of the Jackson, Lansing and Saginaw railroad company, to the property, rights and franchises acquired by it of the Amboy, Lansing and Traverse Bay railroad company.

Whereas, By the provisions of an act of the Legislature of Provisions of a previous act.
the State of Michigan, approved March eighteenth, eighteen
hundred and sixty-five, entitled "an act to enable the Jackson,
Lansing and Saginaw railroad company to make certain
contracts, and to acquire certain rights now held by the Am-
boy, Lansing and Traverse Bay railroad company," the said

Grant of
lands.

Jackson, Lansing and Saginaw railroad company was, among other things, authorized to obtain of said Amboy, Lansing and Traverse Bay railroad company, the right to so much of the land grant made by act of Congress, entitled "an act making a grant of alternate sections of the public lands, to the State of Michigan, to aid in the construction of certain railroads in said State, and for other purposes, approved June third, eighteen hundred and fifty-six, as is applicable to aid in the construction of its line of railroad, and any other lands thereafter granted by Congress, applicable to the same purpose;

Time extended for
reversion

And whereas, By an act of Congress, approved July third, eighteen hundred and sixty-six, entitled "an act to extend the time for the reversion to the United States, of the lands granted by Congress to aid in the construction of a railroad from Amboy, by Hillsdale and Lansing, to some point on or near Traverse Bay, in the State of Michigan, and for the completion of said road," said grant is extended for the period of seven years from and after the third day of June, in the year of our Lord one thousand eight hundred and sixty-six;

Location of
line of rail-
road

And whereas, Also the said Jackson, Lansing and Saginaw railroad company, has made an arrangement with the Amboy, Lansing and Traverse Bay railroad company, whereby it has as contemplated in said act of the Legislature, approved March eighteenth, eighteen hundred and sixty-five, located the line of its railroad from Lansing northward, substantially on the line of said Amboy, Lansing and Traverse Bay railroad, and has acquired the line of said Amboy, Lansing and Traverse Bay railroad company north of Lansing, and all rights, privileges and franchises thereunto pertaining, and has received from said last named company, an assignment of so much of said land grant, as is applicable to aid in the construction of said line of railroad, north of Owosso, and is now actively engaged in the construction of its line of road between Owosso and Saginaw Bay; therefore

SECTION 1. *The People of the State of Michigan enact*, That the right of said Jackson, Lansing and Saginaw railroad company,

in and to so much of said land grant made by said act of Congress, approved June third, eighteen hundred and fifty-six, and renewed and extended by said act of Congress, approved July third, eighteen hundred and sixty-six, as is applicable to aid in the construction of said line of railroad from Amboy, by Hillsdale and Lansing, to some point on or near Traverse Bay, as is situated north of the line of the Detroit and Milwaukee railway at Owosso, be and hereby is confirmed. And so much of the lands included in said grant as may be acquired, taken and sold, on the completion of said railroad from Owosso to some point on or near Traverse Bay, according to the provision of the act of Congress, approved July third, eighteen hundred and sixty-six, and all the rights, powers, privileges and franchises that are, or may be granted and conferred in pursuance of said act of Congress, or either of them thereunto belonging, or in any way pertaining, are and shall be deemed and held as conferred upon, granted to, and vested in the said Jackson, Lansing and Saginaw railroad company, subject to all the conditions, restrictions and obligations imposed by said acts of Congress; and said company may obtain patents for said granted lands, and take, hold and dispose of the same in the manner, in the quantities, and on the terms and conditions prescribed in the said act of Congress, of July third, eighteen hundred and sixty-six, and may do and perform all the acts and things in reference to said railroad line and said land grant, authorized to be done by said act, and on the terms and conditions therein prescribed, and receive, take and enjoy the advantages arising therefrom. And whenever the said company shall have completed any portion of said railroad, not less than ten consecutive miles, in the manner required by said act of Congress, the Governor of this State shall certify such fact to the Secretary of the Interior, and the said company shall be entitled to receive patents for lands the same as if said grant had been originally conferred upon it by name: *Provided*, Said company has not, at the time of such comple-

Confirmation of rights to land to J. & T. B. B.

R. his conferred.

Patents on completion.

tion, forfeited its right to said lands by a failure to complete any of the several portions of its road, as specified in the next section.

When right
is forfeited.

Sec. 2. The said Jackson, Lansing and Saginaw railroad company shall forfeit all right to all of said lands to which it shall not have acquired a patent, or a right to a patent, from the United States, by the construction of some portion of its railroad, if and whenever it shall fail, in whole or in part, fully and completely, to keep and perform the following conditions, viz:

First. To complete its said line of railroad from Owosso to Saginaw city, so that the same shall be in readiness for the running of trains, within one year from the passage of this act.

Second. To complete in like manner, twenty miles of its line of railroad each and every year thereafter, and the entire road north of Owosso by the time limited by said act of Congress, of July third, eighteen hundred and sixty-six.

Sec. 3. This act shall take immediate effect.

Approved February 7, 1867.

[No. 11.]

AN ACT to attach certain unorganized towns to the township of Helena, Antrim county.

Additions to
township of
Helena.

SECTION 1. *The People of the State of Michigan enact, That* the unorganized townships twenty-nine north, of ranges five, six and seven west, and thirty north, of ranges five, six and seven west, be and the same are hereby attached to the township of Helena, for all municipal and taxable purposes, until set off into other townships.

Sec. 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Approved February 7, 1867.

[No. 12.]

AN ACT for the better promotion of the interests of agriculture, manufactures and the mechanic arts.

SECTION 1. *The People of the State of Michigan enact*, That in any county in this State where the inhabitants thereof have organized and established more than one society for the encouragement and advancement of agriculture, manufactures and the mechanic arts, in accordance with the provisions of section sixteen hundred and eighty-seven of the compiled laws, the board of supervisors of said county may apportion the amount raised by tax in said county, by the provisions of sections sixteen hundred and eighty-seven, sixteen hundred and eighty-eight, and sixteen hundred and eighty-nine of the compiled laws, among each of said societies, as they may deem equitable and just.

Sec. 2. When the inhabitants of parts of two or more counties lying adjacent to each other have united in organizing and establishing a society for the encouragement and advancement of agriculture, manufactures and the mechanic arts, in accordance with the provisions of section sixteen hundred and eighty-seven of the compiled laws, the board of supervisors of each of the said counties may apportion to such society so much of the amount raised by tax in their respective counties, by the provisions of sections sixteen hundred and eighty-seven, sixteen hundred and eighty-eight and sixteen hundred and eighty-nine of the compiled laws, as they may deem equitable and just.

Sec. 3. This act shall take immediate effect.

Approved February 7, 1867.

[No. 13.]

AN ACT to amend section thirty-seven hundred and eighty-six, chapter one hundred and seventeen, of the compiled laws, in relation to transcripts of judgments rendered by justices of the peace.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section thirty-seven hundred and eighty-six of the compiled laws, be so amended as to read as follows:

Affidavit in
case of in-
sufficiency
of goods to
satisfy judg-
ment.

Sec. 3786. Whenever an execution may, by law, be issued upon any judgment rendered by a justice of the peace, for twenty dollars or over, exclusive [of] costs, the party in whose favor such judgment shall have been rendered, or his attorney, may make and deliver to the justice of the peace having the control of any such judgment, an affidavit, setting forth in substance, that the deponent knows, or has good reason to believe, and does believe, that there is not sufficient goods and chattels liable to execution to satisfy such judgment, within the county in which said judgment was rendered, belonging to any person or persons against whom such execution may issue; and there-
upon it shall be the duty of the justice of the peace having the control of any such judgment, rendered by himself or any other justice, on the demand of any person in whose favor the same shall have been rendered, or his attorney, to give a certified transcript of such judgment, and of the proceedings in the case, so far as they appear upon the docket, together with the original security for stay of execution, if any such security shall have been given, and the original affidavit required by the preceding provisions of this section.

Duty of jus-
tice.

Approved February 7, 1867.

[No. 14.]

AN ACT supplementary to section nineteen, of an act entitled "an act disposing of certain grants of land made to the State of Michigan, for railroad purposes, by an act of Congress approved June third, eighteen hundred and fifty-six," approved February fourteenth, eighteen hundred and fifty-seven, and to an act approved February fifth, eighteen hundred and sixty-four, and also to an act entitled "an act to confer an additional grant of public lands upon the Grand Rapids and Indiana Railroad Company," approved March tenth, eighteen hundred and sixty-five.

SECTION 1. *The People of the State of Michigan enact, That* ^{Time ex-}
the time which the corporation known as the Grand Rapids ^{tended.}
and Indiana Railroad Company was required to complete and
put in good running order, at least twenty continuous miles of
its road, be and the same is hereby extended for the term of
one year from and after the first day of January, in the year
one thousand eight hundred and sixty-seven; and that the time
within which it was required to put in good running order at
least twenty additional miles of its road, be and the same is
extended until the first day of July, one thousand eight
hundred and sixty-nine.

Approved February 12, 1867.

[No. 15.]

AN ACT to reorganize the fifth, eighth and ninth judicial
circuits, and to create the fourteenth judicial circuit.

SECTION 1. *The People of the State of Michigan enact, That* ^{Fifth judi-}
the counties of Eaton and Calhoun shall be formed into and ^{cial circuit.}
be one judicial circuit, to be known and designated as the fifth
judicial circuit.

Sec. 2. That the counties of Allegan, Kalamazoo and Van ^{Ninth judi-}
Buren shall be formed into and be one judicial circuit, to be ^{cial circuit.}
known and designated as the ninth judicial circuit.

Sec. 3. That the counties of Ionia, Clinton, Kent, Barry and ^{Eighth judi-}
Montcalm shall be formed into and be one judicial circuit, to ^{cial circuit.}
be known and designated as the eighth judicial circuit.

Fourteenth
judicial cir-
cuit.

Sec. 4. That the counties of Ottawa, Newaygo, Oceana, Muskegon and Mecosta shall, on and after the first Monday of April, eighteen hundred and sixty-seven, be formed into and be one judicial circuit, to be known and designated as the fourteenth judicial circuit.

Election of
circuit
judge.

Sec. 5. The qualified voters of the several counties mentioned in the fourth section of this act shall, on the first Monday in

Time of elec-
tion.

April, in the year eighteen hundred and sixty-seven, at the regular annual township meeting to be held in the respective townships of said counties at that time, elect a circuit judge,

Term of of-
fice.

who shall hold his office, commencing on the first day of May, eighteen hundred and sixty-seven, and ending on the first day of January, eighteen hundred and seventy, and until his successor is elected and qualified.

Notice of
elections.

Sec. 6. It shall be the duty of the sheriffs of the several counties mentioned in the fourth section of this act, at least fifteen days previous to the first Monday in April, eighteen hundred and sixty-seven, to notify the township clerks of the several townships in their respective counties, of the said election for circuit judge; and the township clerks shall post notices, in the usual manner, for such elections in their respective townships, at least five days previous to the day of election.

Conducting
elections.

Sec. 7. The election of judge for said circuit shall be conducted, and returns made, as provided by law for the election of judges for the several judicial circuits of this State; and the

Duty of can-
vassers.

State canvassers shall without delay, on the receipt of the certified statement of the votes given in the several counties, proceed to canvass said votes, and deliver to the person determined elected a copy of such determination, as required by law; and

Judge must
be resident.

no person shall hold the office of judge of said judicial circuit unless he shall be a resident thereof.

When court
shall be
held in 14th
circuit.

Sec. 8. The judge of the fourteenth judicial circuit shall hold the terms of court in the several counties mentioned in the fourth section of this act, for the year eighteen hundred and

sixty-seven, at the times hereafter fixed for the same, and shall have jurisdiction in all judgments, decrees, records, files, books, papers, suits, prosecutions, causes and proceedings, then being and pending in the circuit court for said counties.

Sec. 9. The circuit judges for the fifth, eighth and ninth judicial circuits, as created by this act, shall have the power, and they are hereby authorized, on the first Monday of April, eighteen hundred and sixty-seven, to fix the time for holding the terms of court in the counties in their respective judicial circuits, and when fixed by them, to give the usual notice thereof through the public newspapers in their respective judicial circuits.

Sec. 10. The judge of the fourteenth judicial circuit shall have the power, and he is hereby authorized, on the second Monday of May, in the year eighteen hundred and sixty-seven, to fix the time for holding the terms of court in the counties in said fourteenth judicial circuit, and when so fixed, to give the usual notice thereof through the public newspapers in the said circuit.

Sec. 11. The judges of the present fifth, eighth and ninth judicial circuits shall continue to hold their terms throughout their present circuits until the first day of May next.

Sec. 12. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Sec. 13. This act shall take immediate effect.

Approved February 15, 1867.

[No. 16.]

AN ACT to amend section nine, of chapter seventy-four, of the revised statutes of eighteen hundred and forty-six, being section two thousand nine hundred and ninety-nine of the compiled laws, relative to the distribution and partition of estates.

SECTION 1. *The People of the State of Michigan enact, That* section nine, of chapter seventy-four, of the revised statutes of eighteen hundred and forty-six, being section two thousand

nine hundred and ninety-nine, of the compiled laws, be so amended as to read as follows:

**Distribution
of shares.**

Sec. 9. The several shares in the real and personal estate shall be set out to each individual in proportion to his right, by such metes and bounds or description, that the same may be easily distinguished, unless any two or more of the parties interested shall consent to have their share, or any portion thereof, set out so as to be held in common and undivided, in which case the same shall be set out according to such consent; and where the estate shall consist in whole or in part of money, due or to become due on contract made by the deceased for the sale of real estate, the land described in such contract shall be set off in fee, with the contract, to the individual entitled to such contract, but subject to the terms thereof.

**Shares held
in common.**

**Money due
on land sold
by contract.**

Sec. 10. This act shall take immediate effect.

Approved February 15, 1867.

[No. 17.]

AN ACT to amend section four, of chapter one hundred and sixty-two, of the revised statutes of eighteen hundred and forty-six, being section five thousand nine hundred and sixty-two, of the compiled laws, relative to proceedings to prevent crime.

**Section
amended.**

SECTION 1. *The People of the State of Michigan enact, That* section four, of the revised statutes of eighteen hundred and forty-six, being section five thousand nine hundred and sixty-two, of the compiled laws, be and the same is hereby amended so as to read as follows:

**Privilege of
accused to
magistrate
or jury trial**

Sec. 4. When the party complained of is brought before the magistrate, he may demand that the truth of the accusation shall be determined either by a trial before such magistrate, or a jury; and the trial thereof, and the selection of a jury, shall be as in criminal cases, which justices of the peace are authorized to try; and if the magistrate or jury upon such trial shall find the accused guilty, the magistrate may require the accused to enter into a recognizance, with sufficient sureties, to be ap-

**Recogniz-
ance to keep
the peace.**

LAWS OF MICHIGAN.

proved by such magistrate, in such sum as he shall direct, to keep the peace towards all the people of this State, and especially towards the person requiring such sureties, for such term as he may order, not exceeding one year; and it shall be competent for the jury to find and return a special verdict that the complaint and accusation is groundless or malicious, and if they shall so find, it shall be the duty of the magistrate to enter such finding or verdict upon his docket, and thereupon, ^{Verdict for defendant.} forthwith enter an order that the complainant pay the costs of the proceeding, and issue execution therefor; and the like proceedings shall be had where no jury is demanded.

Approved February 18, 1867.

[No. 18.]

AN ACT to amend section two, of act number three hundred and fifty-six, of the session laws of eighteen hundred and sixty-five, entitled "an act to authorize the formation of corporations for literary and scientific purposes," approved March twenty-first, eighteen hundred and sixty-five, so as to include missionary and other benevolent purposes.

SECTION 1. *The People of the State of Michigan enact*, That ^{Section amended.} section two, of act number three hundred and fifty-six, of the session laws of eighteen hundred and sixty-five, entitled "an act to authorize the formation of corporations for literary and scientific purposes," approved March twenty-first, eighteen hundred and sixty-five, be amended so as to read as follows:

Sec. 2. Any number of persons, not less than ten, who shall ^{Incorporated literary and other societies.} by articles of agreement in writing, associate themselves together according to the provisions of this act, for literary or scientific purposes, or both, or for missionary or other benevolent purposes, and who shall comply with the provisions of this act, shall, with their successors and assigns, constitute a body politic and corporate, in fact and in name, under any name assumed by them in the articles of agreement: *Provided*, That ^{Previous} no two societies shall assume the same name.

Sec. 2. This act shall take immediate effect.

Approved February 18, 1867.

[No. 19.]

AN ACT to repeal an act entitled "an act to incorporate the Monroe and Erie plank road company, approved April 3, 1848," and the act amendatory thereof, approved February 16, 1849.

Act to incorporate plank road company repealed.

SECTION 1. *The People of the State of Michigan enact, That an act entitled an act to incorporate the Monroe and Erie plank road company, approved April 3, 1848, and the act amendatory thereof, approved February 16, 1849, be and the same are hereby repealed.*

Sec. 2. This act shall take immediate effect.

Approved February 19, 1867.

[No. 20.]

AN ACT relative to recording deeds, mortgages and instruments of record, and to declare the effect thereof.

Duty of register.

SECTION 1. *The People of the State of Michigan enact, That every register of deeds shall, upon the payment of his proper fees, record, or cause to be recorded at length upon the pages of the proper record book in his office, in a plain and legible handwriting, or in print, or partly in writing and partly in printing, all deeds, mortgages, maps and instruments or writings authorized by law to be recorded in his office, and left with him for that purpose; and unless such record shall be made in continuous successive lines, he shall rule the blank space with lines running diagonally across the same. He shall not record in any record book partly printed any conveyance or instrument which will require any portion of the printed part of the record to be in any manner erased or altered, or any interlineations to be made in any part of the record in order to make it a true copy of the original instrument. He shall carefully compare the record with the original instrument, and before attesting the same shall note at length thereon all erasures and interlineations made in the record, and when he shall have received any instrument to be recorded he shall not deliver it up to the parties, or either of them, or permit the*

Regarding erasures and interlineations. Compare before attesting.

same to go out of his office until it has been duly entered at large upon the record. Instrument to be entered at large.

Sec. 2. When a deed or other conveyance made by an executor, administrator, guardian, commissioner, sheriff, marshal or person acting under authority of an order of court, is left for record, the register of deeds shall enter in the indexes of the officer or person the names of the testators, wards or persons who owned the estate, and from whom it passes when the same appear by such deed, and also the name of such executor, administrator, guardian, commissioner, sheriff, marshal or other person executing the same; and when a decree or order for the partition of land, or the commissioner return thereof, is so left for record, the register shall enter in the indexes the names of all the persons whose estates plainly appear to be affected thereby. Names to be entered in the indexes. And all such deeds, the record, or a certified copy of such record, shall be in all courts and places *prima facie* evidence of the regularity of all the proceedings required by law anterior to such deeds, and of the authority of the grantor therein named to execute such deed or deeds. Record prima facie evidence.

Approved February 19, 1867.

[No. 21.]

AN ACT to regulate drayage to and from railroads.

SECTION 1. *The People of the State of Michigan enact, That all freight carried by any railroad company, now or hereafter existing under the laws or doing business in this State, shall be deliverable to the consignee thereof at the depot or station of such company, in the place where the same shall be directed, unless the consignee or consignees thereof shall consent to the delivery of the same at his or their place or places of business, or elsewhere, by the drays or trucks owned or employed by said railroad company: Provided, That immediately or within a reasonable time after the arrival of any such freight at its place of destination, the railroad company carrying the same shall give notice of such arrival to the consignee or consignees of such freight.* Freight, where delivered by the companies. Provide

Delivery of
freight by
shippers.

Sec. 2. All shippers of freight, by any of the railroad companies of this State, shall be and are hereby authorized to deliver any goods or freight they may wish to have transported on said railroads, to any of said companies' depots or stations, at the usual places of deposit therefor; and it shall not be lawful for any such railroad company to charge, collect or receive any cartage or drayage on goods received for transportation, unless said goods shall have been actually carted or drayed by said railroad company, at the request of the shipper or shippers thereof; and any person or persons violating the provisions of this act, shall be deemed guilty of a misdemeanor, and punishable by fine not exceeding ten dollars.

Relating to
expense of
drayage.

Penalty for
violating.

Approved February 19, 1867.

[No. 22.]

AN ACT to provide for the purchase, preparation and care of the Antietam National Cemetery, at Sharpsburgh, in the State of Maryland.

Amount of
appropriation.

SECTION 1. *The People of the State of Michigan enact*, That the sum of four thousand dollars be and the same is hereby appropriated from the general fund, for the purpose of paying the proportion of this State of the expenses of purchasing the ground for, and the preparation and care of the Antietam National Cemetery, at Sharpsburgh, in the State of Maryland.

Appointment
of trustee.

Sec. 2. The Governor is hereby authorized to appoint one trustee, to represent this State in the corporation formed for the purchase, preparation and care of the cemetery, mentioned in section one of this act, and to fill any vacancy in said office of trustee whenever the same shall occur. Said trustee to hold

Term of office.

his office for three years, (or less, according to the rules of such incorporation,) and until his successor shall be appointed. The Governor may revoke the appointment of such trustee whenever in his opinion the good of the State requires it. The necessary expenses incurred by such trustee in discharging his duties under this act, shall be paid from the sum hereby appropriated, but he shall receive no other compensation for his services.

Revocation
of appointment.

Expenses
and compensation
of trustee.

Sec. 3. All payments on the part of this State to carry out the provisions of this act, shall be under the supervision of the Governor. It shall be the duty of the Auditor General on the requisition of the Governor, to draw his warrant on the State Treasurer, for such sum or sums, not exceeding the amount hereby appropriated, to be used for the purpose hereinbefore prescribed.

Governor supervises payments.
Authority of State Treasurer to pay appropriation.

Sec. 4. This act shall take immediate effect.

Approved February 19, 1867.

[No. 23.]

AN ACT authorizing the State Treasurer to surrender the bonds deposited in his office as security for the circulating notes of certain chartered banks.

SECTION 1. *The People of the State of Michigan enact*, When either the Peninsular Bank of Detroit, the Farmers' and Mechanics' Bank of Michigan, at Detroit, or the Michigan Insurance Company's Bank, at Detroit, shall have redeemed at least ninety per cent. of their respective circulating notes, and shall produce to the State Treasurer a certificate of deposit to his credit, in such bank as he shall approve, or shall pay to the said State Treasurer an amount equal to the unredeemed circulating notes of such bank, that are secured by pledges of public stocks, it shall be lawful for said State Treasurer to receive the same, and thereupon to transfer to such bank all the securities that have been deposited by such bank to secure the redemption of its circulating notes.

When notes redeeming securities are to be transferred to certain banks.

Sec. 2. Said banks, or either of them, after having complied with the provisions of the preceding section, may give notice once in each month, for two successive years, in some daily newspaper, published in the city of Detroit, that all circulating notes issued by such bank must be presented at the State Treasurer's office, within two years from the date of the first publication of such notice, or that the funds deposited for the redemption of the notes will be given up to the bank; and on

Publication of notice to redeem notes.
Limit of time given to redeem.

When State
Treasurer
surrenders
securities.

receiving satisfactory proof of the giving such notice for the time above designated, the State Treasurer shall surrender to the order of the said bank, any securities or moneys which he may hold for the redemption or payment of any unredeemed notes of such bank.

Approved February 21, 1867.

[No. 24.]

AN ACT to authorize the formation of corporations for the purpose of engaging in commerce or navigation.

Their capa-
bilities and
powers.

SECTION 1. *The People of the State of Michigan enact*, That all corporations organized under this act, shall be capable of suing and being sued, in any court, may have a common seal, may elect or appoint, in such manner and for so long as they may determine, all necessary officers, agents and employees, may make, alter, or amend, such by-laws, not inconsistent with the laws and constitution of this State, as a majority of the stockholders shall direct, and shall, in their corporate name, be capable in law, of owning, holding, or disposing of, in any manner, any real or personal estate, or property whatsoever, not exceeding one million of dollars in value, which may be necessary to enable such company to carry on the operations and business mentioned in their articles of association.

Limit to
value of
property.

Their for-
mation.

Sec. 2. Any number of persons, not less than three, who shall, by articles of agreement, in writing, associate, according to the provisions of this act, under any name assumed by them, for the purpose of engaging in the business of maritime commerce or navigation within this State, or upon the frontier lakes, or other navigable waters, natural or artificial, connected therewith, and who shall comply with the provisions of this act, shall, with their successors or assigns, constitute a body politic and corporate, in fact and name, under any name assumed by them in their articles of association: *Provided*, That no two companies shall assume the same name.

Proviso.

Sec. 3. Before any corporation formed under this act shall commence business, their articles of association shall be filed with the Secretary of State of this State, and with the county clerk of the county where their general office for business is located, which said articles shall be recorded at the expenses of said corporation, in said office, at length, in books prepared for that purpose. Articles and where filed.

Sec. 4. The articles of association of every such company shall be signed by the persons associating in the first instance, and acknowledged before some person authorized by the laws of this State to take acknowledgments of deeds, and shall state— Acknowledgment of signatures.

First. The purpose for which the same is formed;

Second. The amount of their capital, which shall not be less than fifty thousand dollars, nor more than one million dollars, and the number of shares, which in all cases shall be twenty-five dollars each; Amount of capital stock.

Third. The amount of capital stock actually paid in;

Fourth. The names of the stockholders, their respective residences, and the number of shares held by each;

Fifth. The city, or town and county in this State, where their general office for business is located;

Sixth. The term of its existence, not to exceed thirty years. Time of annual meeting.

Sec. 5. Every such corporation shall hold their annual meeting of stockholders on the first Tuesday of February, of each year, fifteen days' notice of which shall be given as hereinafter provided: *Provided*, That if for any reason it is not held thereon, the corporation for that reason shall not be dissolved, but it may be held pursuant to public notice by the directors at any time thereafter; said notice to be given by fifteen days' notice in at least two daily papers, published in the county where their principal office is located, if there are so many therein printed; if not, in any two papers printed nearest to said principal office: *Provided*, That if notice is given personally, or by mail, to each stockholder, addressed to him at his place of residence, as the same appears by the books of the company, no publication shall be necessary. Proviso.

Confirmed annual report.

Sec. 6. At such annual meeting, said corporation shall make a report to the stockholders, signed by a majority of the board of directors, verified on oath by the officers signing the same, containing—

First. The amount of capital actually paid in.

Second. The amount invested in real estate, with a general description of the same.

Third. The amount of personal estate, with a general description thereof.

Fourth. The amount of their debts and credits, as near as may be.

Fifth. A general condensed statement of their business and financial condition.

Penalty of swearing falsely.

Sixth. The name of each stockholder and his residence, and the number of shares held by him as appears by the books of said corporation at the date of said report; and if any person shall knowingly swear or affirm falsely in said report, he shall be deemed guilty of perjury, and punished accordingly.

Number that may call a meeting.

Sec. 7. When any corporation shall be formed under this act, any two of those associated may call the first meeting of said corporation, at such time and place as they may appoint giving notice as provided in section five.

No. of directors.

Sec. 8. The stock, property and affairs of such corporation shall be managed by not less than three, nor more than thirteen directors, as the articles of association shall determine, who shall be stockholders of the company, and who shall hold their office until the next annual meeting, and until their successors are elected: *Provided*, That if any director shall cease to own any of the stock of said corporation, he shall cease to be a director; and any vacancy among the directors shall be filled as the by-laws provide.

Term of office.

Proviso.

Appointment of officers.

Sec. 9. The directors shall choose from their number, a president, secretary and treasurer, and shall have power to appoint or employ such other subordinate officers, agents or employees, as the by-laws of the corporation shall designate, or such as

shall be necessary to the proper accomplishment of the purposes of the corporation, and to require any and all officers, (including the president,) agents or employees, to give satisfactory security for the faithful performance of their duties, and to prescribe the same, and shall have power to remove such president and other officers, agents and employees at pleasure, and appoint others.

Sec. 10. The directors may call in the subscription to the capital stock of such corporation, by installments, in such portion, and at such times and places as they shall think proper, by giving notice thereof, as the by-laws provide; and in case any stockholder shall neglect or refuse payment of any such installment for the space of sixty days after the same shall have become due and payable, and after he shall have been notified thereof, as provided by the by-laws, the stock of such delinquent stockholder may be sold by the directors, at public auction, at the office of the secretary of the corporation, or at the principal office of said corporation, first giving at least thirty days' notice of the time and place of such sale, in some daily newspaper (if such be published in the county,) or weekly newspaper, if there be no daily newspaper, and the proceeds of such sale shall be first applied in payment of the installment called for, and the expenses of the sale, and the residue, if any, shall be refunded to the owner thereof, and such sale shall entitle the purchaser to all the rights of a stockholder, to the extent of the shares so bought.

Sec. 11. The said corporation may, if they so elect, instead of forfeiting said stock for non-payment of assessments, collect any and all unpaid installments or any deficiency remaining unpaid thereon, by suit against the owner of the stock, at the time the installment becomes due and payable, and at any sale of forfeited stock the corporation may purchase said stock for its own use.

Sec. 12. A majority of the directors of every such corporation, convened according to the by-laws, shall constitute a quorum for the transaction of business; and those holding a majority

Satisfactory security.

Subscriptions, when paid.

Payment refused.

Proceeds of sale, how applied.

Rights of purchaser.

Privilege in case of non-payment of assessments.

A quorum. Number that can transact business.

Relative to
voting.

of the stock, at any meeting of the stockholders, shall be capable of transacting the business of the meeting. Stockholders may vote in person or by proxy duly filed, and at all stockholders' meetings each share shall be entitled to one vote.

Power to
make by-
laws.

Sec. 13. The directors shall have power to make such reasonable by-laws, not inconsistent with the laws of the State or of the United States, as they shall deem proper for the management and disposition of the property, affairs and concerns of said corporation, for prescribing the powers and duties of the officers and all employees of said company, for the appointment of such officers, and the transaction and carrying on of all kinds of business within the objects and purposes of such company, and may alter or amend the same.

Record of
names of
stock-
holders, No.
of shares &c.

Sec. 14. It shall be the duty of the directors to cause a book to be kept by the treasurer or secretary, containing the names of all persons, alphabetically arranged, who are, or shall within six years have been stockholders of such corporation, and showing their places of residence, the number of shares held by each, and the time they became owners, and from whom they were transferred; the amount of stock actually paid in, and the time they ceased to be stockholders, and to whom the stock was transferred, and all liens and claims of the company on the stock of each shareholder; which book shall, during the usual business days and hours, be open for the inspection of stockholders and of all persons desiring to purchase or take transfers of stock, and of creditors of the company, and creditors of the stockholders, and their personal representatives, at the office of the secretary of such corporation. Such

Record open
for inspec-
tion at
Secretary's
office.

Record shall
be presump-
tive evi-
dence.

book shall be presumptive evidence of the matters therein stated in favor of the plaintiff in any action or proceeding against said company, or the stockholder or stockholders. Every officer or agent of such company, whose duty it shall be to keep such book, who shall neglect any proper entry in said book, or shall refuse or neglect to exhibit the same, or allow the same to be inspected as herein provided, shall be deemed guilty of a misdemeanor, and the corporation shall forfeit and

Penalty of
neglect to
enter in
record.

pay to the party injured thereby, a penalty of fifty dollars for every such neglect and refusal, and all damages resulting therefrom.

Sec. 15. The books of said corporation, containing their ^{Books open to stockholders.} accounts, shall, at all reasonable times, be open for the inspection of any of the stockholders.

Sec. 16. The stock of every such corporation shall be deemed ^{Stock deemed personal property.} personal property, and shall be transferable only on the books of the company, in such manner as the directors shall prescribe; and no transfer of stock, made in any other manner, ^{Transfer of stock.} shall be valid for any purpose whatever, except as against the transferer, and to render the transferee liable for the debts and liabilities of the corporation, according to the provisions of this act; and such corporation shall at all times have a lien upon ^{Stock of members liable for debts due corporation.} the stock of its members, for all the debts due from them to such corporation, notice of which shall be given by the company to all transferees of stock, before making any such transfer on the books of the company, which lien may be enforced ^{Lien enforced by sale of stock.} by advertisement and sale, in the manner herein provided for selling delinquent stock; and all purchasers at such sale [shall] be entitled to the rights of stockholders.

Sec. 17. The stockholders of such corporation shall be jointly, ^{Liabilities of Stockholders for labor.} severally and individually liable for all labor performed for such corporation, which said liability, founded on this statute, may be enforced by suit at law, at any time after an execution in favor of the plaintiff shall be duly returned unsatisfied in whole or in part against said corporation: *Provided always,* ^{Provide} That if any or several stockholders shall by any such proceeding be compelled to pay any sum to such creditor, he or they may recover the same in full of the corporation, or may compel the stockholders, jointly or severally, or any number of them, to contribute ratably to reimburse him or them, in an action at law or in chancery.

Sec. 18. Every corporation hereunder shall annually, in the ^{Report when to be made, etc.} month of February, make a report, which shall state the amount

of capital actually paid in, and the amount borrowed by such corporation and remaining unpaid, in whole or in part, which report shall be signed by a majority of the directors, and verified by the oath of the secretary and treasurer, and be filed in the office of the clerk of the county where its articles are filed, and a duplicate thereof in the office of the Secretary of State.

How and on whom service of summons may be made.

Sec. 19. Service of any summons, declaration, notice or other process or paper, upon any incorporation formed under this act, may be made on the president, secretary or treasurer, if either are to be found within the county where these articles are filed; if neither of them can be found therein, then such service may be made by posting a true and certified copy thereof in some conspicuous place, at the office of the secretary or at the general office of said corporation.

Penalty of neglect.

Sec. 20. If the directors of any such corporation shall intentionally neglect or refuse to comply with any of the provisions of, and to perform the duties required of them by this act, they shall be jointly and severally liable in an action founded on this statement [statute,] for all the debts of such corporation contracted during the period of such neglect or refusal.

Insolvency caused by violating this act.

Sec. 21. If any such corporation shall willfully violate any of the provisions of this act, and shall thereby become insolvent, the directors ordering or assenting to such violation, shall jointly and severally be liable in an action founded on this statute, for all debts contracted after such violation.

Powers of the Legislature over corporations.

Sec. 22. The Legislature may at any time, for just cause, rescind the powers of any corporation created pursuant to the provisions of this act, and prescribe such mode as may be necessary or expedient for the settlement of its affairs; but nothing in this section contained shall be construed as prohibiting proceedings in any court of competent jurisdiction against any such corporation, to decree a forfeiture for a violation of its corporate rights, privileges and franchises. The Legislature may repeal, alter or amend this act.

Subjection to previous provisions.

Sec. 23. Corporations formed under this act shall be subject to the provisions of chapter seventy-three, of the compiled laws

of this State, so far as applicable to corporations formed under this act, and except as herein otherwise provided.

Sec. 24. This act shall take immediate effect.

Approved February 21, 1867.

[No. 25.]

AN ACT to amend section one, of act number two hundred and eighty-eight, of the laws of eighteen hundred and sixty-five, entitled "an act to authorize the formation of mechanic and laboring men's coöperative associations," approved March twentieth, eighteen hundred and sixty-five, and also to amend the title of said act.

SECTION 1. *The People of the State of Michigan enact, That* section one, of act number two hundred and eighty-eight, of the laws of eighteen hundred and sixty-five, be amended so as to read as follows: Section amended.

SECTION 1. That any five or more persons who shall be desirous of uniting as mechanics, laboring men or in any other capacity, in any coöperative association, for the purpose of purchasing all manner of groceries, provisions, and any other articles of merchandise and selling the same for cash, or otherwise, to all the stockholders and others, at such reasonable prices over the cost thereof, as will enable the members of such association, to obtain such commodities at the smallest practicable rate of cost, and also if necessary, to manufacture any such articles of trade or merchandise, such as flour, meal, boots, shoes, clothing, and to vend the same as aforesaid, or for the purpose of cultivating or raising vegetables, fruits, or other produce, or animals for food for said members, or to vend the same as aforesaid, may become incorporated for that purpose, by executing one or more duplicate articles of agreement as hereinafter specified, by signing and acknowledging the same before some officer authorized to take such acknowledgments; and upon the execution and acknowledgment of such articles, the signers thereof, and those who may hereafter become associated with them, shall become a body politic for the purpose set forth in said articles. Permission to incorporate.
Conditions.

Title
amended.

Sec. 2. The title of said act, shall be amended so as to read as follows:

"An act to authorize the formation of coöperative associations by mechanics, laboring men or others."

Approved February 21, 1867.

[No. 26.]

AN ACT to provide for the incorporation of associations for the purpose of constructing, owning and controlling warehouses for the storage of grain and other commodities.

Authority
to incorpo-
rate.

SECTION 1. *The People of the State of Michigan enact*, That any five or more persons, residents of this State, may associate themselves together as a body corporate, for the purpose of constructing, owning and controlling warehouses for the storage of grain and other commodities.

Conditions.

SEC. 2. Such persons shall, under their hands and seals, make and subscribe to a certificate, which shall specify—

First. The name and business of said association.

Second. The amount of the capital stock thereof, and the amount of cash capital actually paid in.

Third. The number of shares into which said capital stock shall be divided, and it is hereby provided that such shares shall not be less than twenty-five dollars each.

Fourth. The names of the stockholders, their respective residences, and the numbers of shares held by each person.

Fifth. The amount of all property, real and personal, that may be held by such corporation.

Affidavits
required.

Sixth. The term of the existence of said corporation, not to exceed thirty years.

Which certificate shall be verified by the affidavits of the persons subscribing the same, and be acknowledged before some officer authorized to take the acknowledgment of deeds, and shall be recorded in the office of the Secretary of State, and in the office of the clerk of the county in which such corporation is located.

Sec. 3. Upon compliance by such persons, with the provisions of the preceding section, such association shall be and is hereby declared a body corporate, empowered to hold and possess so much real and personal estate that may be purchased by it, or that may be given, granted or devised to it as a corporation, in accordance with the provisions of law at the time such gift, grant or devise shall take effect, as may be necessary for the use and occupation of said corporation for the purposes of its business: *Provided*, That the whole amount of the real and personal estate of said corporation shall not exceed in value the sum of one hundred thousand dollars: *And provided further*, That all property of such corporation shall be subject to taxation, and shall be used for no other purpose than for the legitimate business of said corporation, as hereinbefore stated.

Sec. 4. Any corporation formed under the provisions of this act, is hereby authorized to erect a warehouse or warehouses, on any portion of the real estate that may be owned or acquired by it in accordance with the preceding section, and to receive for storage therein grain and other commodities, to fix the price for such storage, and to make all necessary rules and regulations for the management of its said business.

Sec. 5. When any corporation shall be formed under this act, any three of those associated may call the first meeting of the corporation, at such time and place as they may appoint, by giving notice thereof, by publishing the same two or more times in some newspaper printed in the county in which the place of business of said corporation is located, at least fifteen days before the time appointed for such meeting; at which meeting, or at any adjourned meeting thereof, the stockholders of said corporation may elect such officers of said corporation as they shall deem necessary for the proper management of the property and business of said corporation, and may also make all necessary by-laws and regulations for the proper management of their affairs: *Provided*, That said by-laws and regulations shall be in conformity with the provisions of chapter seventy-three of the compiled laws, relative to corporations.

Declared a
body corpo-
rate.

Provide.

Provide.

Right to
build, and
receive
grain etc.,
on storage.

Manner of
calling the
first meet-
ing.

Election of
officers.

Provide.

Other provisions.

Sec. 6. All corporations formed under this act shall be subject to the general provisions of chapter seventy-three of the compiled laws, in all matters not herein enumerated and specified, so far as the same may be applicable thereto.

Approved February 27, 1867.

[No. 27.]

AN ACT to amend section twelve, of chapter forty-seven, of the revised statutes of eighteen hundred and forty-six, being section sixteen hundred and fourteen of the compiled laws.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section twelve, of chapter forty-seven, of the revised statutes of eighteen hundred and forty-six, said [section being] section sixteen hundred and fourteen of the compiled laws, be and the same is hereby amended so as to read as follows:

Liabilities of finders of lost goods, etc.

(1614.) Sec. 12. If the finder of any lost money, goods, or stray beasts, shall neglect to cause the same to be entered, advertised, or notice thereof to be posted, as directed in this chapter, he shall be precluded from all the benefits of this chapter, and from all claim for keeping such goods or animals, or on account of any charges in relation thereto; and if any party shall willfully, and with fraudulent intent to convert the same to his own use, neglect to make such entry, or to cause the same to be advertised, as hereinbefore provided, for thirty days, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten, nor more than fifty dollars, and in the default of the payment thereof, be imprisoned in the county jail for a period not exceeding ninety days.

Penalty of violating the act.

Approved February 27, 1867.

[No. 28.]

AN ACT to amend section ten, of act number one hundred and eighty-eight, of session laws of eighteen hundred and sixty-one, entitled "an act to re-organize the Agricultural College of the State of Michigan, and to establish a State Board of Agriculture."

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section ten, of act number one hundred and eighty-eight, of session laws of eighteen hundred and sixty-one, be so amended as to read as follows:

Sec. 10. The Secretary shall report to the Legislature, at Reports to be made by the Secretary.
 every regular session thereof, and to the Governor on the first Wednesday in January in each year when the Legislature is not in session, which report shall embrace all such statements, accounts, statistics, prize essays, and other information relative to agriculture in general, proceedings of the State Board of Agriculture, of the State Agricultural College and farm, of the State Agricultural Society, and of the county and district agricultural societies, to be approved by the board, and shall cause to be printed six thousand copies of said report for the Number of copies to be printed.
 year eighteen hundred and sixty-six, and the same number for each year thereafter. Two thousand copies of said report shall be placed in the hands of the Secretary of State, for disbursement through the Department of State, and four thousand How reports shall be distributed.
 copies shall be placed at the disposal of the State Board of Agriculture; one thousand copies of the same to be distributed by the secretary of the said State Board of Agriculture, as the board shall direct, and the remaining three thousand copies of the same shall be distributed by the first of June in each year, by the secretary of the board, to the secretaries of all the various county and district agricultural societies, as equally as may be according to the population of said counties, to be by said secretaries distributed among the various viewing committees of county and district fairs, giving one volume of such report to each of said committees who shall be present and discharge the duties of his office on the days of the county

and district fairs. And if after distributing to the said committees there shall be any of said report left in the said secretaries hands, they shall distribute them as equally as may be, among the farmers of their respective counties.

Sec. 2. This act shall take immediate effect.

Approved February 27, 1867.

[No. 29.]

AN ACT to amend act number thirty-eight, of the session laws of eighteen hundred and sixty-five, entitled "an act to amend section five hundred and seventy-nine of the compiled laws, requiring commissioners and overseers of highways to give bonds."

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That act number thirty-eight, of the session laws of eighteen hundred and sixty-five, entitled "an act to amend section five hundred and seventy-nine of the compiled laws, requiring overseers of the highways to give bonds," be and the same is hereby amended, so as to read as follows:

Oaths and
bonds of
commis-
sioners of
highways.

Sec. 87. Each of said commissioners of highways, before entering upon the duties of his office, and within the time limited by law for filing his official oath, shall give bonds, with one or more sufficient sureties, to the township, in the penal sum of five hundred dollars, to be approved by the supervisor or township clerk, conditioned for the faithful performance of the duties of his office, and the faithful disbursement of all moneys that may come into his hands by virtue of his office. Said commissioners may require any one or all of said overseers of highways, before entering upon the duties of their office, to give bond, with one or more sufficient sureties, in such sum as may be required by said commissioners, and to be approved by them, conditioned for the faithful performance of the duties of their office, and the faithful disbursement of all moneys that may come into their hands by virtue of their office.

Bonds of
overseers of
highways.

Sec. 2. This act shall take immediate effect.

Approved February 27, 1867.

[No. 30.]

AN ACT to amend section twenty-four, of chapter one hundred and forty, of the revised statutes of eighteen hundred and forty-six, being section five thousand three hundred and eighty-four, of the compiled laws, relative to limitations of actions.

SECTION 1. *The People of the State of Michigan enact, That* ^{Section amended.} section twenty-four, of chapter one hundred and forty, of the revised statutes of eighteen hundred and forty-six, being section five thousand three hundred and eighty-four of the compiled laws, be amended so as to read as follows:

(5384.) Sec. 24. Every action upon a judgment or decree rendered in a court of record of the United States, or of this, ^{Limit of time during which an action may be brought.} or any other State, shall be brought within ten years next after the judgment or decree was entered, and not afterwards; and any action upon such judgment or decree which shall not be commenced within the time above specified, shall be forever thereafter barred.

Approved February 27, 1867.

[No. 31.]

AN ACT to amend act number one hundred and six, of the session laws of eighteen hundred and sixty-one, entitled "an act in relation to the collection of recognizances in criminal cases," approved March 7, 1861.

SECTION 1. *The People of the State of Michigan enact, That the* ^{Act amended.} act entitled an act in relation to the collection of recognizances in criminal cases, approved March seventh, eighteen hundred and sixty-one, be and the same is hereby amended by adding another section to the same, to stand as section three:

Sec. 3. That whenever any judgment shall have been rendered upon a forfeited recognizance according to the provisions of this act, it shall be lawful for any person or persons against whom such judgment shall have been rendered, at any time before the end of the next regular session of the court thereof, to ^{Judgment upon forfeited recognizance.} present a petition to the court by which such judgment was ^{When petition may be presented.}

Oath re-
quired.

Filing a dec-
laration.

Case stands
or trial.

rendered, praying the court to vacate and set aside the same, which petition shall set forth the facts upon which the relief is asked, and shall be verified by the oath of the petitioner or petitioners, or some other person acquainted with such facts; and if it shall appear therefrom that any cause exists which would have been available as a defense, had suit been brought upon the recognizance, the court shall direct a declaration to be filed upon such recognizance, and an issue to be formed thereon within a time to be fixed therefor, for the purpose of testing the validity of such defense; and on such issue being formed, the judgment shall be vacated, and the said issue shall stand for trial, as in other cases.

Approved February 27, 1867.

[No. 32.]

AN ACT to amend section six, of chapter twenty-four, the same being section eleven hundred and three of the compiled laws, relative to the repair and construction of bridges.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That section six, of chapter twenty-four, the same being section eleven hundred and three of the compiled laws, be and the same is hereby amended so as to read as follows:*

Injury or de-
struction of
certain
bridges.

Sec. 6. If any bridge over any stream intersected by a highway in any township in this State, or in any village incorporated under the general law for the incorporation of villages, or in any city or village not having, by the terms of its charter, the exclusive control of the construction and repair of any such bridges, and not being within the corporate limits of any city or village above excepted, has been within the last year, or shall hereafter be injured or destroyed by the occurrence of a freshet, or from any other cause, it shall be the duty of the highway commissioners of such township, on application in writing signed by at least six freeholders thereof, to proceed with all convenient dispatch to repair or reconstruct such

Duty of
commis-
sioners.

bridge, as the case may require, under the personal supervision of one of their number, or by letting a contract therefor, under existing provisions of law: *Provided*, That a majority of the ^{Proviso} highway commissioners of such township shall, upon a personal examination of the situation, determine that the public interest and convenience require such repairs to be made, or that such bridge ought to be rebuilt: *And provided*, That the sum to be expended for such repairs or reconstruction, shall not in any one year exceed one thousand dollars in any one organized township.

Sec. 2. This act shall take immediate effect.

Approved February 28, 1867.

[No. 33.]

AN ACT to repeal sections two thousand and thirty-two and two thousand and thirty-three of the compiled laws, in regard to charitable bequests and devises.

SECTION 1. *The People of the State of Michigan enact*, That ^{Sections amended} sections two thousand and thirty-two and two thousand and thirty-three of the compiled laws, be and the same are hereby repealed, except as to rights that may have accrued under the provisions of said sections before this act shall take effect as law.

Approved February 28, 1867.

[No. 34.]

AN ACT to amend sections twelve, twenty-two, twenty-eight, thirty-one, forty-one, fifty-three, ninety-eight, one hundred and seven, one hundred and nine, one hundred and thirty-seven and one hundred and forty, of chapter fifty-eight, of the revised statutes of eighteen hundred and forty-six, being sections twenty-two hundred and fifty-five, twenty-two hundred and sixty-five, twenty-two hundred and seventy-one, twenty-two hundred and seventy-four, twenty-two hundred and eighty-four, twenty-two hundred and ninety-six, twenty-three hundred and twenty-two, twenty-three hundred and forty-one, twenty-three hundred and fifty, twenty-three hundred and fifty-two, twenty-three hundred and seventy-eight, twenty-three hundred and eighty-one, of the compiled laws, and section fourteen, of an act entitled "an act for the relief of school districts," approved February 7th, 1855, being section twenty-four hundred and twelve of the compiled laws.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That* sections twelve, twenty-two, twenty-eight, thirty-one, forty-one, fifty-three, seventy-nine, ninety-eight, one hundred and seven, one hundred and nine, and one hundred and forty, of chapter fifty-eight, of the revised statutes of eighteen hundred and forty-six, being sections 2255, 2265, 2271, 2274, 2284, 2296, 2322, 2341, 2350, 2352, 2378 and 2381 of the compiled laws, be and hereby are amended so as to read as follows:

Calling
special
meetings.

(2255.) Sec. 12. Special meetings may be called by the district board, and it shall be the duty of said board, or any one of them, to call such meetings on the written request of not less than five legal voters of the district, by giving the notice required in the next succeeding section; and in all notices for special meetings, the general object of the meeting shall be stated.

Limit to tax
for school
houses.

(2265.) Sec. 22. The amount of taxes to be raised in any district for the purpose of purchasing or building a school-house, shall not exceed the sum of one thousand dollars in any one year, unless there shall be more than fifty children between the ages of five and twenty years residing therein.

(2271.) Sec. 28. All residents of any district shall have an equal right to attend any school therein: *Provided*, That this shall not prevent the grading of schools according to the intellectual progress of the pupils, to be taught in separate places when deemed expedient.

(2274.) Sec. 31. Any person who shall refuse to withdraw from such meeting on being so ordered, as provided in the preceding section, or who shall willfully disturb such meeting, or any district or union school, shall be subject to the same penalty as prescribed for the disturbance of a religious assembly.

(2284.) Sec. 41. Within ten days next previous to the annual district meeting, it shall be the duty of the director, or such other person as the district board may appoint, to take the census of the district, and make a list in writing of the names and ages of all the children between the ages of five and twenty years residing therein; and a copy of said list shall be verified by the oath or affirmation of the person taking such census, by affidavit appended thereto or endorsed thereon, setting forth that it is a correct list of the names of all the children between the ages aforesaid residing in the district, which affidavit may be made before the clerk of the township, and said list shall be returned with the annual report of the director to the township clerk. Children in almshouses, prisons or asylums, not otherwise residents of the district, and not attending the school, shall not be included in the said census, nor shall Indian children be so included unless they attend the school or their parents are liable to pay taxes therein.

(2296.) Sec. 53. He shall draw and sign warrants upon the township treasurer for all moneys raised for district purposes, or apportioned to the district by the township clerk, payable to the assessor of the district, and orders upon the assessor for all moneys to be disbursed by the district, and present them to the moderator, to be signed by him.

(2322.) Sec. 79. On the first Saturday of October, in each year, the inspectors shall make triplicate reports, setting forth

Residents have equal rights; proviso.

Penalty for disturbing.

Affidavit of census of children.

Alms-house children, etc., not included.

Warrants to be drawn by the director.

Triplicate reports by inspectors.

the whole number of districts in their townships, the amount of money raised and received for township and district libraries, and such other items as shall from year to year be required by the Superintendent of Public Instruction, together with the several particulars set forth in the reports of the school directors for the preceding year; and the township clerk shall immediately forward two copies of the same to the county clerk, and deposit the other in his office.

How disposed of.

Apportionment of moneys.

(2341.) Sec. 98. Said clerk shall also apportion to the school districts in his township, as required by law, on receiving notice of the amount from the township treasurer, all moneys raised by township tax, or received from other sources for the support of schools; and in all cases make out and deliver to the township treasurer a written statement of the number of children in each district drawing money, and the amount apportioned to each district, and record the apportionment in his office; and whenever an apportionment of primary school money or moneys, raised by tax, or received from other sources,

Other duties of township clerk.

Notice to director.

is made, he shall give notice of the amount to be received by each district to the director thereof.

Assessment of taxes.

(2350.) Sec. 107. The supervisor shall also assess upon the taxable property of his township, two mills upon each dollar of the valuation thereof, in each year, and report the aggregate valuation of each district to the township clerk; and so much of the said tax as the qualified electors of said township shall decide by a majority vote, at the annual township meeting, shall

Application and apportionment of the tax.

be applied to the purchase of books for the district or township libraries, according to the provisions of law, and the remainder shall be apportioned by the township clerk to the districts in which it was raised, for the support of schools therein; and all moneys collected by virtue of this act during the year, on any property not included in any organized district or in districts not having three months school by a qualified teacher, shall be apportioned to the several school districts of said township, in the same manner as the primary school moneys are now apportioned. All moneys accruing from the

two mill tax in any township, before any district shall have a legal school therein, shall belong to the districts in which it was raised, when they shall severally have had a three months' school, by a qualified teacher.

(2352.) Sec. 109. The township treasurer shall retain in his hands, out of the moneys collected by him, after deducting the amount of tax for township expenses, the full amount of the school taxes on the assessment roll, and hold the same, subject to the warrant of the proper district officers, to the order of the school inspectors, or of the persons entitled thereto, and give a written notice to the township clerk of the amount.

Disposal of tax funds in hands of Treasurer.

(2378.) Sec. 137. Any person paying taxes in a district in which he does not reside, may send scholars to any district school therein, if no school is kept in his own district, on paying a tuition equal per scholar to the last previous apportionment of primary school money, and he shall be rated therein for teachers' wages and fuel; but he shall not have the right of voting, nor shall his children be included in the census of said district.

Scholars of tax paying non-residents.

(2381.) Sec. 140. The qualified voters of any school district may at any annual meeting, raise by tax upon the taxable property of the district, a sum for school purposes, not exceeding two dollars for each child in the district between the ages of five and twenty years, and also a sum not exceeding twenty cents per child of the same ages, for the purchase of books for the district library, as they may determine by a vote of the majority of the qualified electors present; and such taxes shall be reported to the supervisor of the proper township, and shall be levied, collected and returned in the same manner as township taxes: *Provided*, That in the Upper Peninsula the qualified voters present at any annual meeting may vote a tax for school purposes not exceeding one per cent. on the taxable property of the school district, in addition to the other taxes provided for in this act.

Levy of tax for school purposes.

Same for books.

How collected.

Proviso.

Sec. 2. That section fourteen, of an act entitled "an act for the relief of school districts," approved February 7th, 1855,

Section amended

being section twenty-four hundred and twelve, of the compiled laws, be and hereby is amended so as to read as follows:

Power of
school dis-
trict to bor-
row money
for school-
houses, etc.

(2412.) Sec. 14. Any school district, having the requisite number of children between the ages of five and twenty years, residing in such district, shall have power and authority to borrow money to pay for a site or sites for school-houses, to erect buildings thereon and to furnish the same, by a vote of two-thirds of the qualified voters of said district, voting at any annual meeting, or special meeting duly called for that pur-

Proviso.

pose: *Provided*, That the times of holding said meetings shall not be less than five days, nor more than six months apart, and that such school district shall have at least one hundred children between the ages aforesaid residing therein; and that in case the number of children between the ages aforesaid does not exceed two hundred, the entire amount of such indebted-

Limiting
amount bor-
rowed.

ness for money borrowed shall not exceed ten thousand dol-
lars; and in case they do not exceed three hundred, such in-
debtedness shall not exceed twenty thousand dollars; and in
case they do not exceed four hundred, such indebtedness shall
not exceed thirty thousand dollars; and that no school district
shall have an indebtedness to exceed fifty thousand dollars for

Proviso.

money thus borrowed: *Provided further*, That any school dis-
trict having over fifty and under one hundred children, between
the ages aforesaid, may borrow or loan not exceeding three
thousand dollars.

Sec. 3. This act shall take immediate effect.

Approved February 28, 1867.

[No. 35.]

AN ACT to provide for the formation of street railway
companies.

SECTION 1. *The People of the State of Michigan enact*, That
street railway companies may be organized under the provisions
of this act.

Authorizing
companies.

Sec. 2. Any number of persons, not less than three, desiring
to form a corporation for the purpose of constructing, owning,

maintaining or using any street railway in any city, village or township in this State, may by articles of agreement in writing, associate for that purpose, under any name assumed by them in their articles of association: *Provided*, That no two *Proviso.* companies shall assume the same name.

Sec. 3. Such articles of association shall be signed by the persons associating in the first instance, and acknowledged before some officer authorized by the laws of this State to take acknowledgment of deeds, and shall state—

First. The name by which the corporation shall be known in the law.

Second. Definitely and distinctly the purpose for which the corporation is formed.

Third. The amount of their capital stock, and the number of the shares thereof.

Fourth. The names of the stockholders, their respective residences, and the number of shares held by each.

Fifth. The city or village in which the office for the transaction of their business shall be located, and where their business is to be carried on.

Sixth. The term of the existence of the corporation, which shall not exceed thirty years.

Seventh. The number of the directors of the corporation, and the names of those who shall be directors for the first year.

Sec. 4. Said articles of association may be filed in the office of the Secretary of State, and thereupon all persons who have subscribed the same, and all persons who shall from time to time become stockholders in such company, shall be a body politic and corporate by the name specified in such articles, and by such name shall be capable of suing and being sued in any court of this State, and may have a common seal, and may alter and change the same at pleasure. A copy of any articles of association, filed in pursuance of this act, and certified by the Secretary of State to be a true copy thereof, and of the whole of such articles of association, shall be in all courts and places,

Acknowledgment of articles.

Articles of association.

A corporate body.

Certified copy of articles, presumptive evidence.

presumptive evidence of the incorporation of such company, and of the facts therein stated.

Amount
capital
stock.

Sec. 5. The amount of the capital stock in every such corporation shall be fixed and limited by the stockholders in their articles of association, and shall in no case be less than ten thousand dollars, and shall be divided into shares of one hundred dollars each; but the capital stock, and the number of the shares thereof, may be increased at any lawful meeting of the stockholders; and whenever any such increase shall be made, a certificate showing the amount of such increase, signed by the president and the secretary of the company, and sealed with its corporate seal, shall be filed in the office of the Secretary of State.

How di-
vided.
When stock
and shares
may be in-
creased.

Sealed cer-
tificate;
where filed

Number of
directors;
term of
office.

Sec. 6. The business and property of such company shall be managed and directed by a board of not less than three nor more than seven directors, who, after the first year, shall be elected annually, or one in two years, as the by-laws of said company shall direct, and at such time and place as said by-laws may direct; and public notice shall be given of the time and place of holding such election, not less than twenty days previous thereto, in such manner as the by-laws of such company may direct; the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. In all elections each stockholder shall be entitled to cast as many votes as he shall own shares of stock, and the persons having the greatest number of votes shall be directors. Whenever any vacancy shall happen in the board of directors such vacancy shall be filled for the remainder of their term by the remaining directors. The directors shall hold their offices for one or two years, as said by-laws may direct, and until others are elected in their places; and no person shall be a director unless he is a stockholder in said company; and no stockholder shall vote at any election who has not paid all assessments then due on the stock held by him.

Notices of
election.

Mode of
electing di-
rectors.

Director
must be
stockholder.
Unpaid as-
sessments
prohibits
voting.

In case an
election is
not held.

Sec. 7. In case it shall happen that an election for directors shall not be held as provided, the said corporation shall not be,

for that reason, dissolved, but such election shall be held on some future day, to be fixed by the directors holding over, upon giving the notice thereof, as in this act provided; and all acts of the directors shall be binding upon such corporation.

Sec. 8. A majority of the directors shall be a board for the transaction of business, and the acts of a majority of the board shall bind the corporation.

Sec. 9. The directors shall choose, by ballot, a president, Election of officers. who shall be one of the directors, and they shall also choose a secretary and treasurer, who shall hold their offices during such time as the by-laws of the company shall prescribe, and until others are chosen in their stead; and the directors shall supply any vacancy in the office of president, secretary or treasurer whenever the same shall occur.

Sec. 10. The president and directors shall have power to Power of President and directors. make and prescribe such by-laws, rules and regulations respecting the transfer of stocks, and the management and control of the property and affairs of such corporation, the time and manner of calling and holding the meetings of the stockholders and directors, the time for the election of directors and officers, and the terms for which they shall hold their respective offices, as they may deem best, not inconsistent with the laws of the United States or of this State, and shall have power to appoint and employ officers, clerks, agents and servants for conducting and carrying on the business of such corporation, and determine their duties and salaries, and wages to be paid to them.

Sec. 11. The directors may require the subscribers to the Payment of subscribed stock. capital stock of the company to pay the amount by them respectively subscribed, in such manner and in such installments as they may deem proper. If any stockholder shall Non-payment of installments cause of forfeiture. neglect to pay any installment as required by a resolution of the board of directors, the said board shall be authorized to sue for the same, or declare his stock and all previous payments thereon forfeited for the use of the company; but they shall not declare it so forfeited until they shall have caused a notice,

in writing, to be served on him personally, or by depositing the same in the post office, properly directed to him at the post office nearest his usual place of residence, stating that he is required to make such payment at the time and place specified in said notice, and that if he fails to make the same, his stock and all previous payments thereon will be forfeited for the use of the company, which notice shall be served as aforesaid, at least sixty days previous to the day on which such payment is required to be made.

Shares personal property.

Sec. 12. The shares in the capital stock of any corporation formed under this act shall be deemed personal property, and may be transferred as shall be prescribed by the by-laws of said company. The directors of any such company may from time to time receive subscriptions to stock in said company, until the whole amount of the stock of the association shall be subscribed; but no certificates of shares in any such company shall be issued until the whole amount of the shares mentioned in such certificate shall have been paid in full to the company.

Subscriptions received.

Certificates of shares issued.

Authority to construct and use.

Sec. 13. Any street railway corporation organized under the provisions of this act, may, with the consent of the corporate authorities of any city or village, given in and by an ordinance or ordinances duly enacted for that purpose, and under such rules, regulations and conditions as in and by such ordinance or ordinances shall be prescribed, construct, use, maintain and own a street railway for the transportation of passengers, in and upon the lines of such streets and ways, in said city or village, as shall be designated and granted from time to time for that purpose, in the ordinance or ordinances granting such consent; but no such railway company shall construct any railway in the streets of any city or village until the company shall have accepted in writing the terms and conditions upon which they

Conditions to be accepted in writing.

Extension of road, and conditions.

are permitted to use said streets; and any such company may extend, construct, use and maintain their road, in and along the streets or highways of any township, adjacent to said city or village, upon such terms and conditions as may be agreed

upon by the company and the township board of the township, which agreement and the acceptance by the company of the terms thereof, shall be recorded by the township clerk, in the records of his township.

Sec. 14. After any city, village or township shall have consented, as in this act provided, to the construction and maintenance of any street railways therein, or granted any rights and privileges to any such company, and such consent and grant have been accepted by the company, such township, city or village shall not revoke such consent, nor deprive the company of the rights and privileges so conferred.

Accepted grants of rights can not be revoked.

Sec. 15. Any street railway company may also purchase and acquire, either at public or private sale, whether judicial or otherwise, or may hire any street railway in any city, village or township, owned by any other corporation or company, together with all the real and personal estate belonging thereto, and the rights, privileges and franchises thereof, and may use, maintain and complete such road, and may use and enjoy the rights, privileges and franchises of such company, the same, and upon the same terms as the company whose road and franchises were so acquired might have done. Every street railway company may also purchase, hold, own or take upon lease such real estate, barns, stables, buildings, fixtures and property as may be necessary for the use and business of their road; and the whole or any part thereof, together with their railway, fixtures, property and appurtenances, rights, privileges and franchises, may sell, lease, dispose of, pledge or mortgage, whenever the corporation shall deem it expedient so to do.

Authorized to purchase other roads, and enjoy their rights.

Authorized to purchase real estate, etc.

Sec. 16. Every street railway company may borrow money and issue their bonds therefor, and for any indebtedness incurred may mortgage their corporate property and franchises, and any property which they shall at any time acquire, to secure the payment of their bonds, money borrowed, and any and all debts and liabilities which they may at any time incur.

May borrow money and issue bonds, and mortgage their property.

Company must conform to the grades.

Sec. 17. In constructing their railways every such company shall conform to the grades established, or which may be established by the common council or other corporate authorities of the city or village, for the street traversed by said railways, nor shall the company at any time alter or change the grade or line of any street, without the consent of the common council or other corporate authorities of the city or village, first had and obtained.

Manner of laying track.

Sec. 18. Every street railway company is hereby required to lay the track of their road or railway in such way or mode and with such kind of rail, and to keep their railway and that part of the street and pavement within and adjacent to the track of such road or railway, in such condition and state of repair as shall be prescribed and provided in the consent, grant or agreement of the municipal authorities permitting the construction and location of such road or railway.

City or village authorities establish rules concerning grade etc.

Sec. 19. The common council or other corporate authorities of the city or village in which any street railway shall be located, may from time to time, by ordinance or otherwise, establish and prescribe such rules and regulations in regard to said railway as may be required for the grading, paving and repairing the street, and the construction of sewers, drains, reservoirs and crossings, and the laying of gas and water-pipes, upon, in and along the streets traversed by such road, and to prevent obstructions thereon.

Tolls to be agreed upon.

Sec. 20. The rates of toll or fare which any street railway company may charge for the transportation of persons or passengers over their road, shall be established by agreement between such company and the corporate authorities of the city or village where the road is located, and shall not be increased without consent of such authorities.

How a summons, etc., may be served.

Sec. 21. Service of every summons, notice, declaration or other legal process may be made on any street railway company by leaving a copy thereof at the business office of the company, with any person in charge thereof, or by leaving such

copy with any director or officer of the company in the county where the road of such company is located.

Sec. 22. The stockholders of every company incorporated under this act, shall be jointly and severally liable, in their individual capacity, for all labor performed for such company; and shall also be liable for the debts of such company, for an amount equal to the amount of any unpaid stock in such company held by them. Liabilities of stockholders.

Sec. 23. If the directors of any company formed under this act shall declare or pay any dividend when the company is insolvent, or the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they and all stockholders who shall knowingly accept or receive such dividend, shall be jointly and severally individually liable for all the debts of such company then existing, and for all that shall be thereafter contracted while they shall respectively continue stockholders or in office. Fictitious dividends.

Sec. 24. But no suit shall be brought against any individual stockholder or stockholders, for any debt of such company, as provided in the last two preceding sections, until judgment on the demand shall have been obtained against the company, and execution thereon returned unsatisfied in whole or in part, or until the company shall have been dissolved; and any stockholder who may have paid any debt of such company, either voluntarily or by compulsion, shall have a right to sue and recover of such company the full amount thereof, with interests, costs and expenses; and any such stockholder who may have paid as aforesaid, shall have a right to bring an action against and recover of the rest of the stockholders, or any one or more of them, the due proportion thereof which such stockholder or stockholders ought to pay; and if such action for contribution shall be brought against more than one stockholder, the judgment and the execution thereon shall specify the amount to be recovered and collected from each defendant. Individuals not liable till after judgment is obtained against the company.

Sec. 25. On or before the second Monday in January in each year, it shall be the duty of the directors of every company Annual report.

formed under this act, to report to the Secretary of State, under the oath of at least two of such directors—

First. The amount of capital paid in;

Second. The amount of the indebtedness of the company;

Third. The length of road completed;

Fourth. Cost of construction and equipment;

Fifth. Gross receipts and earnings of the company for the past year;

Sixth. Cost of operating the road for the past year;

Seventh. Amount of dividends for the past year;

Eighth. A list of stockholders, their name and residence.

Annual tax. Sec. 26. Each and every railway company, formed under this act, shall pay to the Treasurer of the State of Michigan, an annual tax, at the rate of one-half of one per cent. on the whole amount of capital paid in upon the capital stock of said company, which said tax shall be estimated upon the last preceding report of said company, and shall be paid to the said Treasurer on the first Monday of July in each year, and shall be in lieu of all other taxes upon all the property of said company.

How estimated when paid.

When an incorporated body shall cease to be so.

Sec. 27. Every company incorporated under this act, for the purposes of constructing a railway, shall cease to be a body corporate, if within one year from the time of filing their articles of association with the Secretary of State, they shall not have commenced the construction of their railway, and expended therein at least ten per cent. of their capital stock.

Penalty of obstructing, etc.

Sec. 28. If any person shall willfully obstruct, break, injure or destroy any railway constructed or operated under the provisions of this act, or any part thereof, or any work, cars, building or fixtures attached to or in use upon the same, belonging to or in the possession of any street railway company, such person or persons so offending, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not more than one year.

Power of companies heretofore organized.

Sec. 29. All companies and corporations heretofore organized in this State for the purpose of building and operating

street railways under the statutes then in force, shall have the same powers, rights, protection and privileges, and shall be subject to all the liabilities as are hereby provided for companies and corporations organized under the provisions of this act.

Sec. 30. All companies and corporations hereafter formed for the purpose of constructing, owning or using any street railway for the transportation of persons and passengers, in any city or village, shall be organized under the provisions of this act, and shall be subject to the provisions of chapter seventy-three, of the compiled laws of this State, and to all other general laws of this State, relating to corporations, so far as the same may be applicable to corporations formed under this act, and the Legislature may alter and amend, or repeal this act at any time.

Power of companies heretofore formed.

Sec. 31. This act shall take immediate effect.

Approved March 5, 1867.

[No. 36.]

AN ACT to provide a temporary home for disabled Michigan soldiers.

SECTION 1. *The People of the State of Michigan enact*, That the sum of ten thousand dollars for the year eighteen hundred and sixty-seven, and the sum of ten thousand dollars for the year eighteen hundred and sixty-eight, be and the same hereby are appropriated from the military fund, to be set apart and denominated the "Soldiers' Home Fund," for the support and care of infirm, maimed and needy Michigan soldiers, sailors and marines, at the Harper hospital, in the city of Detroit.

Appropriation for Harper Hospital

Sec. 2. The State military board is hereby authorized to make the necessary contracts and arrangements for a soldiers' home, for the maintenance, care and support of Michigan soldiers, sailors and marines, at said Harper hospital. Said board may also appoint a superintendent, assistant or assistants, and revoke such appointments at pleasure, and make rules and

Contracts authorized at Harper Hospital.

Power of State Military Board.

regulations for the admission, government and dismissal of the beneficiaries herein provided for, and do all other acts and things necessary to carry out the objects of this act.

Orders from
Adjutant
General.

Sec. 3. It shall be the duty of the Adjutant General of this State to issue his order of admission to the Soldiers' Home, at the Harper hospital, as contemplated in section two of this act, to such Michigan soldiers, sailors or marines, as may hereafter apply to him, upon the conditions following, viz: That the applicant shall have been a Michigan soldier, sailor or marine, and credited to this State during the late war; that he was honorably discharged, and at the time of making such application is sick, infirm, maimed, or otherwise unable to maintain himself; and under such other conditions as may be prescribed

Conditions
of admis-
sion.

State Milita-
ry Board
may direct
an admis-
sion.

by said State military board. Said military board may direct the admission of any other soldier, sailor or marine, who was a resident of this State at the time of his enlistment, and who shall have served in said war, and been honorably discharged. Any person entitled to such order of admission, who is receiving or entitled to receive a pension from the Government of the United States, shall receive such order, only, on condition that he shall first constitute and appoint the Adjutant General his attorney during his stay at said home, to collect or procure such pension; and when such pension shall be collected by said Adjutant General, the same shall be paid over by him as follows: Two dollars to the person executing such power of attorney, on the first Monday of each month, the remainder to his family, and in case he has no family, then to the State military board, to be used by them in defraying the expenses of said home.

Relative to
persons re-
ceiving pen-
sions.

Payment of
disburse-
ments.

Sec. 4. All disbursements of money for the objects sought by this act, shall be under the direction of the State military board; and upon the requisition of said board, the Auditor General shall draw his warrant or warrants for such sum or sums, not exceeding, in all, the appropriation hereby made, on the State Treasurer, who is hereby authorized to pay and

charge the same to said Soldiers' Home Fund. Said board shall keep a record of all their transactions in connection with said home, and make annually, on the fifteenth day of December, a report to the Governor of all moneys received and disbursed by them, the number of beneficiaries of said home during the year, together with such other facts and recommendations as said board may deem proper. Annual report to Governor.

Sec. 5. This act shall take immediate effect.

Approved March 8, 1867.

[No. 37.]

AN ACT to provide in part for the current expenses of the State Reform School for the year eighteen hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact, That* the sum of ten thousand dollars be and the same is hereby appropriated out of the general fund to meet the current expenses of the State Reform School for the year eighteen hundred and sixty-seven, and the said amount shall be passed to the credit of the State Reform School, as a fund to meet, in part, the current expenses of said school, and shall be drawn on the warrant of the Auditor General, who is hereby authorized to draw his warrant on the State Treasurer, on the presentation of the proper vouchers, certified by the board of control and the Board of State Auditors, for such sums as the board of control shall from time to time direct. Appropriation for 1867
Warrant drawn by the Auditor General

Sec. 2. This act shall take immediate effect.

Approved March 9, 1867.

[No. 38.]

AN ACT to prevent fishing with seines and every kind of continuous nets, in the waters of the counties of Branch, Livingston, Cass, St. Joseph, Kent, Ionia, Genesee and Calhoun, or in any of the lakes, rivers or streams of Macomb county.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful hereafter to fish with seines or any species of continuous nets in any of the inland lakes or small streams of the counties of Branch, Livingston, Cass, St. Joseph, Kent, Ionia, Genesee and Calhoun, nor in any of the lakes, rivers or streams of Macomb county.

Penalty. Sec. 2. Any person offending against any of the provisions of this act, shall on conviction thereof, be liable to a fine of not more than one hundred dollars, or imprisonment in the county jail not more than sixty days, to be determined by a court of competent jurisdiction.

Approved March 9, 1867.

[No. 39.]

AN ACT to provide for the election of overseers of highways, by ballot, in the Upper Peninsula of Michigan.

**Election of
overseers of
highways.**

SECTION 1. *The People of the State of Michigan enact*, That at each annual township meeting, held in each organized township, (or in any township that may be organized hereafter,) in the Upper Peninsula, on the first Monday of April, in each year, there may be elected by ballot, one overseer of highways for each road district in said township.

**Manner of
electing
overseer.**

Sec. 2. The name of the overseer, and where a township is divided into two or more districts, the number of the district shall be designated as district number one, district number two, and so on to the required number of districts in said township, shall be on the same ballot with the other township officers, and be elected in the same manner as is now provided by law for the election of township officers by ballot.

Sec. 3. Should any of said townships neglect to elect overseers of highways, as provided in this act, or should the office for any cause become vacant, or should a new road district or districts be formed in any of the townships, it shall be the duty of the board of commissioners of highways of the township to fill such vacancies and appoint an overseer of highways for any new road district, who shall hold his office until the next annual township meeting, and until his successor is elected and qualified according to law.

Board of commissioners of highways to fill vacancies.

Sec. 4. This act shall take immediate effect.

Approved March 9, 1867.

[No. 40.]

AN ACT to provide for the reorganization of the Supreme Court.

SECTION 1. *The People of the State of Michigan enact, That* from and after the thirty-first day of December, in the year one thousand eight hundred and sixty-seven, the powers and duties appertaining to the office of the Chief Justice of the Supreme Court, shall devolve from time to time upon the judge of that court whose term of office shall soonest expire by its own limitation, who shall, during the period of his performance of such duties, be designated as such Chief Justice.

Acting chief justice.

Sec. 2. That at the judicial election to be held on the first Monday in April, in the year one thousand eight hundred and sixty-seven, and at all subsequent elections of Justice or Justices of the Supreme Court, the ballots cast shall designate the candidates as such Justice or Justices of the Supreme Court, and not as Chief Justice or Associate Justices.

Ballots for justice of the supreme court.

Sec. 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 4. This act shall take immediate effect.

Approved March 9, 1867.

[No. 41.]

AN ACT to provide for the revision of the constitution of the State of Michigan.

Election of delegates.

SECTION 1. *The People of the State of Michigan enact, That* at the general election to be held on the first Monday of April, in the year of our Lord one thousand eight hundred and sixty-seven, the qualified electors of the several counties of this State shall elect as many persons delegates as each county has representatives in the State Legislature; and in case several counties compose one representative district, said district shall be entitled to one delegate. The delegates so elected shall be qualified electors of the State, and shall constitute a convention for the revision of the constitution of this State.

Notice of elections.

Sec. 2. The Secretary of State, and the sheriffs of the several counties, and the township clerks of the several towns, and the city clerks of the several cities of this State, are hereby required to give notice of said election, similar to that now provided by law to be given for an election of members to the Legislature.

Ballots.

Sec. 3. The names of the candidates for delegates shall be written or printed, or partly written and partly printed, on the ballot with the name of the candidate for Justice of the Supreme Court. The boards of election of the several townships, and the inspectors of election of the several wards and cities of this State, shall open the polls of their several townships, wards and cities, and the elections shall be conducted, the votes counted, the returns made and canvassed, the results declared, and certificates of election issued, in all respects as are now provided by law for election of county officers; and in case several counties compose one representative district, the returns shall be made and canvassed, the results declared, and certificates of elections issued, the same as in case of an election for representative.

Manner of electing.

Opening of Convention by Secretary of State,

Sec. 4. The delegates so chosen shall assemble at the Capitol, in the city of Lansing, on the third Wednesday of May, in the year of our Lord one thousand eight hundred and sixty-seven,

at eleven o'clock in the forenoon, and it shall be the duty of the Secretary of State to attend at the opening session of the convention, with a list of the names of the delegates elect, and he shall administer the oath of office to the members of the convention. They shall be the judges of their own privileges and elections, and shall, by ballot, elect one of their number to serve as president, and may appoint such secretaries, reporters, sergeants-at-arms, firemen and messengers as their convenience may require. The delegates shall receive four dollars for each day's actual attendance, and for each day's absence on account of sickness, and ten cents for each mile actually traveled in going to and returning from the place of meeting, by the usually traveled route; and the secretaries, reporters, sergeants-at-arms, firemen and messengers shall receive such compensation as the convention may direct. The amount due each person shall be certified by the principal secretary of the convention, and countersigned by the president, and the Treasurer of the State shall pay such certificates out of any moneys in the treasury not otherwise appropriated. And the convention may furnish its members with such books, papers and stationery as are now allowed by the constitution to the members of the Legislature. And it shall be the duty of all State officers to furnish the convention with such papers, books and documents in their possession as the convention shall order for the use of its members during the session. The contractor for the State printing shall perform the printing required to be done by the convention, in such manner and at such times as it shall direct. The proceedings of the convention shall be filed in the office of the Secretary of State, and the revision of the constitution, as agreed to by the convention, signed by the president and secretary, shall be recorded in his office. The said revision shall be submitted by the convention to the people, for adoption or rejection, at such time and in such manner as said convention may direct.

Election of officers.

Pay of delegates.

Secretaries, etc.

How drawn.

Stationery furnished.

State officers to furnish documents, etc.

Printing by State contractor.

Filing of proceedings

How signed.

Revision submitted to the people.

False swearing.

Sec. 5. All willful and corrupt false swearing, in taking any of the oaths prescribed by this act, or by the laws of this State,

made applicable by this act, shall be deemed perjury, and shall be punished as is now prescribed by law for willful and corrupt perjury.

Sec. 6. This act shall take immediate effect.

Approved March 11, 1867.

[No. 42.]

AN ACT to amend an act, entitled "an act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes," approved February 5th, 1853, by adding three new sections thereto.

Act amended.

SECTION 1. *The People of the State of Michigan enact*, That an act, entitled "an act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes," approved February 5th, 1853, be and the same is hereby amended, by adding three new sections thereto, to stand as sections twenty-seven, twenty-eight, twenty-nine, as follows:

Authorized to incorporate.

Sec. 27. Any number of persons engaged in the business of manufacturing salt, within this State, or corporations formed under this act for the purpose, either wholly or in part, of manufacturing salt, not less than three, who shall by articles of agreement, in writing, associate according to the provisions of this act, for the purpose of engaging in and carrying on the business of manufacturing salt, or of buying and selling salt, and such other articles as are used in, or in connection with such manufacture, or both, and who shall comply with the provisions of this act, shall, with their successors and assigns, constitute a body politic and corporate, in fact and in name, under any name assumed by them in such articles, and may by special provision in their articles of association, increase the board of directors to a number not exceeding sixteen.

Increase of directors.

Sec. 28. Such articles of association, shall be executed and acknowledged in the manner hereinbefore prescribed, and the president of any corporation entering into such association, may execute and acknowledge the same in behalf of such corporation. The articles shall contain the statement hereinbefore prescribed, and all of the provisions of this act, relating to manufacturing corporations, shall be applicable to corporations organized under the last preceding section.

Acknowledgment of articles.
What they shall contain.

Sec. 29. Any corporation organized under the laws of this State, for the purpose of manufacturing, may, with the consent of a majority in interest of the stockholders, or by resolution of the board of directors thereof, take and hold stock in any corporation, organized under the provisions of section twenty-seven.

Power to hold stock in other corporations.

Sec. 2. This act shall take immediate effect.

Approved March 12, 1867.

[No. 43.]

AN ACT to provide for the formation of corporations for establishing health institutions.

SECTION 1. *The People of the State of Michigan enact*, That corporations for the purpose of establishing institutions for the treatment of disease and imparting instruction in the principles of hygiene, may be formed under and in compliance with the provisions of an act entitled "an act to authorize formation of corporations for mining, smelting or manufacturing iron, copper, mineral coal, silver or other ores or minerals, and for other manufacturing purposes," approved February 5th, 1853; and every such corporation, and the officers, directors and stockholders thereof, shall have and possess all the rights, and be subject to all the liabilities, conditions and obligations, in and by said act and the acts amendatory thereof, provided and imposed upon corporations formed thereunder, and upon the officers, directors and stockholders thereof, so far as the same

Authorized to incorporate.

may be applicable to corporations organized by authority of this act,

Property
the corpora-
tion may
hold.

Sec. 2. Any corporation formed by authority of this act, may hold and own personal property, not exceeding one hundred thousand dollars in value, and may hold sufficient real estate for the location of its buildings, and for its actual use in connection therewith; and the same and all its personal property may sell, mortgage and dispose of at pleasure. Such real and personal estate shall be subject to taxation the same as other real and personal estate.

Liable to
tax.

Subject to
laws of
other corpo-
rations.

Sec. 3. Corporations formed under this act shall be subject to all general laws of this State relating to corporations, that may be applicable thereto, and the Legislatre may amend or repeal this act at any time.

Sec. 4. This act shall take immediate effect.

Approved March 13, 1867.

[No. 44.]

AN ACT to provide for filling vacancies in the office of overseer of highways.

SECTION 1. *The People of the State of Michigan enact, That* whenever any vacancy shall occur in the office of overseer of highways, which the commissioners of highways shall be unable to fill under existing provisions of law, it shall be their duty and they are hereby authorized to designate some other overseer of highways of the same township, or one of their own number, to perform the duties of such vacated office; and the person so designated shall have the same powers, be subject to the same orders and liable to the same penalties as overseers chosen in township meetings.

Sec. 2. This act shall take immediate effect.

Approved March 13, 1867.

[No. 45.]

AN ACT to amend an act, entitled "an act to authorize the formation of corporations for building and leasing houses and other tenements," approved February 12, 1855, being section 1716 of the compiled laws, and to add a new section thereto.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section one, of an act entitled "an act to authorize the formation of corporations for building and leasing houses and other tenements," approved February 12, 1855, being section 1716 of the compiled laws, be and the same is hereby amended, and a new section added thereto, to stand as section two, which said new section, and said section one, as amended, shall be and read as follows:

SECTION 1. *The People of the State of Michigan enact, That* Under what provisions they may be formed.
 corporations for the purpose of building and leasing houses and other structures, buildings and tenements, and lands, may be formed under the provisions of an act entitled "an act to authorize the formation of corporations for mining, smelting and manufacturing iron, copper, mineral coal, silver, or other ores of minerals, and for other manufacturing purposes," approved February 5, A. D. 1853, and the acts amendatory thereof, and shall have and possess all the rights, and be subject to all the Rights and liabilities. liabilities, provided in said act and the acts amendatory thereof, so far as the same are applicable to corporations formed under and by authority of this act.

Sec. 2. Every corporation organized pursuant to the provisions and by authority of this act, shall by its corporate name Power to borrow money. have power to borrow money and issue its bonds therefor and Issue bonds for any debts of the corporation, and to acquire, own and hold Hold estate. all such real and personal estate as may be necessary for the purpose of carrying on the business of such corporation, and the same, or any part thereof, convey, lease or demise, mortgage, use and dispose of, at pleasure: *Provided, That the lands* Provided. which any such corporation may hold at any one time shall not exceed five hundred acres.

Sec. 3. This act shall take immediate effect.

Approved March 13, 1867.

[No. 46.]

AN ACT to amend section fourteen, of an act entitled "an act to define the powers and duties of the board of supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers," approved April 8th, 1851, being section three hundred and forty-eight of the compiled laws.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section fourteen, of an act to define the powers and duties of the board of supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers, approved April 8th, 1851, be amended so as to read as follows:

Power to
make or
alter town-
ship
bounds.

Conditions.

Certified:
statement
filed with
county
clerk and
Secretary of
State.

To be pub-
lished with
laws.

Sec. 14. The board of supervisors of the several counties of this State shall have power, within their respective counties, and all territory attached thereto, by a majority of all the members elected, to divide or alter in its bounds any township, or erect a new township, upon application to the board, as hereinafter provided, of at least twelve freeholders of each of the townships to be affected by the division, and upon being furnished with a map of all the townships to be affected by the division, showing the proposed alterations; and if the application shall be granted, a copy of said map, with a certified statement of the action of said board thereunto annexed, shall be filed in the office of the clerk of such county, and a certified statement of the action of said board shall also be filed in the office of the Secretary of State, and it shall be the duty of the Secretary of State to cause the same to be published with the laws of the next Legislature, after the filing thereof, in the same manner as other laws are published.

Approved March 13, 1867.

[No. 47.]

AN ACT to amend an act entitled "an act to provide for the formation of companies to construct plank roads," approved April eighth, eighteen hundred and fifty-one.

Act amend-
ed.

SECTION 1. *The People of the State of Michigan enact*, That an act to provide for the formation of companies to construct

plank roads, approved April eighth, eighteen hundred and fifty-one, be amended by adding thereto a new section, to stand as section fifty-two:

Sec. 52. All companies that have been or may hereafter be organized under the provisions of this act, and shall have built any portion of their road, or may hereafter build any portion of the same of gravel, or of stone so broken as to serve the purpose of gravel, shall be entitled to all the privileges, immunities and franchises conferred upon companies organized under said act, the same as though said road had been constructed of plank as required in section twenty-eight of this act: *Provided*, That said gravel or stone portions of said road shall in all cases be not less than nine feet in width, and the gravel or stone of which the same shall be constructed shall not be less than seven inches in depth, and shall in all cases be of sufficient depth to make, at all seasons, a good, firm and hard road: *And provided further*, That said companies shall be subject to all the provisions and penalties in regard to keeping said road in repair as are provided in said act in relation to plank roads.

Roads built of stone or gravel.

Their rights.

Proviso.

Proviso

Sec. 2. This act shall take immediate effect.

Approved March 13, 1867.

[No. 48.]

AN ACT to cede jurisdiction to the United States of America over land to be occupied as sites of light-house buildings in this State.

SECTION 1. *The People of the State of Michigan enact*, That the jurisdiction of this State is hereby ceded to the United States of America over certain parcels of land lying and being in the State of Michigan, for the purpose of erecting light-house buildings thereon, described as follows, to wit: On Granite Island, West Huron Island, Gull Island, between Point Keweenaw and Manitou Island; Lac La Belle, Portage Entry and Beaver Bay, all on Lake Superior; at St. Clair Flats, in the

Cession of lands for light-houses.

Where situated.

Proviso.

river St. Clair; at the mouth of White river, in Muskegon county; and at Trowbridge Point, or Alpena, in Thunder Bay, or such other places in the vicinity of those above mentioned as may be designated for the purpose aforesaid: *Provided always*, And this cession is upon the express condition, that the State of Michigan shall so far retain a concurrent jurisdiction with the United States in and over the tracts of land aforesaid, that all civil and criminal process issued under the authority of this State, or any officer thereof, may be executed on said lands, and in the buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceded as aforesaid.

Exempt from taxes.

Sec. 2. The lands above described, with their appurtenances, and all buildings and other property that may be thereon, shall forever be exempted from all taxes and assessments, so long as the same shall remain the property of the United States of America.

Sec. 3. This act shall take immediate effect.

Approved March 13, 1867.

[No. 49.]

AN ACT to secure uniformity in election returns.

Secretary of State to furnish blanks.

SECTION 1. *The People of the State of Michigan enact*, That the Secretary of State be required to prepare and transmit, at least sixty days before any general or special election at which other than township officers are to be elected, to the several county clerks, suitable blank forms, to enable inspectors of elections and township or city clerks to make returns of elections to the respective county or district board of canvassers.

Duty of county clerks before elections.

Sec. 2. That the several county clerks shall, after receiving the blank forms, and at least ten days before any general or special election, at which officers shall be elected requiring the transmission of a statement of votes to a board of canvassers, deliver to the several township or city clerks of their respective

counties a sufficient number of such blank forms to enable said township or city clerks and inspectors of elections to make returns of such general or special election to the respective boards of canvassers, as required by law.

Sec. 3. This act shall take immediate effect.

Approved March 13, 1867.

[No. 50.]

AN ACT to amend section three, of chapter fifty-five, of the revised statutes of eighteen hundred and forty-six, being section two thousand one hundred and forty-five of the compiled laws, relative to corporations.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
section three, of chapter fifty-five, of the revised statutes of eighteen hundred and forty-six, being section two thousand one hundred and forty-five, of the compiled laws, be and the same is hereby amended so as to read as follows:

(2145.) Sec. 3. The first meetings of all corporations, unless Notice of first meeting of corporations.
otherwise provided for in the acts under which they are incorporated, or in their articles of association, shall be called by a notice, signed by one or more of the members or persons associating to form the corporation, setting forth the time, place and purpose of the meeting; and such notice shall, at least When delivered or published.
twenty days before the meeting, be delivered to each member, or published in some newspaper of the county where the corporation shall be established, or if no newspaper be published in the county, then in a newspaper published in an adjoining county, or in the city of Detroit.

Sec. 2. This act shall take immediate effect.

Approved March 13, 1867.

[No. 51.]

AN ACT to provide for additional sureties from township treasurers in certain cases.

Insufficient
sureties.

SECTION 1. *The People of the State of Michigan enact*, That whenever the sureties in the bond given by any township treasurer to the county treasurer, as required by law, shall become insolvent, or shall remove out of the county, or shall in the opinion of the county treasurer become in any manner insufficient, the county treasurer shall give notice thereof to the supervisor of the township, and that such township treasurer is required to give a new bond to the county treasurer.

When a new
bond is re-
quired of
township
treasurers.

Sec. 2. Whenever the sureties in the bond given by any township treasurer to his township, as required by law, shall become insolvent, or shall remove out of the county, or shall in the opinion of the township board become in any manner insufficient, or whenever the penal sum named in such bond shall by said board be deemed insufficient, the township board may require the township treasurer to give a new bond to the township, with sufficient sureties, to be approved as required by law.

Supervisor
notifies
treasurer.

Sec. 3. Whenever the county treasurer or township board of the township shall require a new bond of the township treasurer, as in this act provided, it shall be the duty of the supervisor forthwith to notify such township treasurer in writing of such requirement, and that he is required to give such new bond or bonds, as the case may be, within such time, not less than five nor more than ten days after such notice, as the supervisor may prescribe.

When bond
shall be
given.

Sec. 4. When any new bond shall be required of any township treasurer as herein provided, it shall be his duty to give the same to the township, or the county treasurer, as the case may be, within the time prescribed by the supervisor, such bond to be of the amount and to be approved as now required by law in cases of bonds required to be given by such treasurers to the township or to the county treasurer.

Neglect or
refusal to
give new
bond.

Sec. 5. If any township treasurer shall neglect or refuse to give any new bond required of him as herein provided, such re-

fusal or neglect shall be deemed a refusal to serve, and thereupon the township board shall appoint a new treasurer for the remainder of the year, who shall give like security and be subject to like duties and penalties, and have the same powers and compensation as the treasurer in whose place he was appointed; and the township clerk shall immediately give notice of such appointment to the county treasurer, but such appointment shall not exonerate the former treasurer or his sureties from any liability incurred by him or them.

He or his sureties continue liable.

Sec. 6. Whenever any township treasurer appointed as provided in the preceding section, shall have given the security required by law, the former treasurer shall forthwith deliver over all moneys in his hands by virtue of his office, and the tax roll for the year, (if the same shall have been delivered to him,) to such new treasurer; and shall, whenever required by the township board of the township, account to them for all moneys received or disbursed by him.

Shall deliver to new treasurer all moneys, etc.

Sec. 7. When any new bond shall be required of any township treasurer, as in this act provided, the tax roll of the township for the year shall not be delivered to him until he shall have given the required security.

Security required before delivering tax roll.

Sec. 8. This act shall take immediate effect.

Approved March 13, 1867.

[No. 52.]

AN ACT to amend act number sixty-six, of the session laws of the year of our Lord one thousand eight hundred and sixty-one, approved February twenty-fifth, eighteen hundred and sixty-one, entitled "an act to authorize the Supreme Court to appoint a crier."

SECTION 1. *The People of the State of Michigan enact, That act* number sixty-six, of the session laws of the year of our Lord one thousand eight hundred and sixty-one, approved February twenty-fifth, eighteen hundred and sixty-one, entitled "an act to authorize the Supreme Court to appoint a crier," be so amended as to read as follows:

Act amended.

Crier to Supreme Court.

Pay.

How drawn.

SECTION 1. *The People of the State of Michigan enact*, That the Supreme Court, sitting at Detroit and at Lansing, may, from time to time, designate some fit and competent person to act as crier to said court; and the person so designated shall receive as compensation the sum of two dollars for each day while in actual attendance at the sessions of said court, to be paid in the same manner as deputies of the sheriff are paid in similar cases.

Approved March 13, 1867.

[No. 53.]

AN ACT to provide for the ascertaining and giving notice of the title of the lands of the heirs of deceased persons.

Court determines legal heirs.

SECTION 1. *The People of the State of Michigan enact*, That when any person shall have deceased, having title to any lands in this State, it shall be lawful for any person or persons, claiming an interest in said lands, whether as heir-at-law, or through or under such heir or heirs, to apply to the probate court of the county in which said lands, or any part thereof are located, which said court shall adjudicate and determine who are or were the legal heirs of said deceased person, and entitled to the lands of which the deceased died seized.

How application shall be made and action of the court upon it.

Sec. 2. The application shall be made by filing a petition in the said court, subscribed by the petitioner, his, her or their attorney, duly verified, setting forth the name of the deceased; that he died seized of lands in this State, a portion of which, (and describing such portion,) the said petition shall show to be located in the county where said petition is to be filed; the names and residences of the heirs of the said deceased person, so far as the same are known to the petitioner, and shall conclude with a prayer for the determination and adjudication aforesaid; and thereupon said court shall make an order setting forth the time and place of hearing such petition, and shall cause notice of such petition, and of the time and place as

Time and place of hearing.

signed for the hearing thereof, to be published for three successive weeks in such newspaper as the said court shall direct.

Sec. 3. At the time assigned for hearing the filing of said petition, the court may hear proof taken by commission or by witnesses produced in open court, of the facts set forth in said petition, and shall thereupon, if the evidence be sufficient, find and adjudge who are or were the heirs of the deceased, and entitled by the laws of this State to inherit the real estate of the deceased, which finding and adjudication shall be entered on the journal of said court, and which entry, or a duly certified copy thereof, shall be *prima facie* evidence of the facts therein found. Decision of the court.

Sec. 4. This act shall take immediate effect.

Approved March 13, 1867.

[No. 54.]

AN ACT to amend section fifty-seven hundred and fifty-four of the compiled laws, in regard to the crime of burglary.

SECTION 1. *The People of the State of Michigan enact*, That section fifty-seven hundred and fifty-four, of the compiled laws, be and the same is hereby amended to read as follows: Section amended.

(5754.) Sec. 10. Every person who shall break and enter any dwelling house in the night-time, with intent to commit the crime of murder, rape, robbery or any other felony or larceny, or after having entered with such intent, shall break any such dwelling house in the night-time, any person being lawfully therein, and the offender being armed with a dangerous weapon at the time of such breaking or entry, or so arming himself in such house, or making an actual assault on any person being lawfully therein, shall be punished by imprisonment in the State prison, not more than twenty years. Penalty.

Approved March 13, 1867.

[No. 55.]

AN ACT to provide for county superintendents of schools, and to amend section ninety-one, and repeal sections seventy-four, eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine and ninety, of chapter seventy-eight, of compiled laws.

Superintendent of schools.

SECTION 1. *The People of the State of Michigan enact*, That there shall be a county superintendent of common schools in each organized county of this State, except as hereinafter provided, whose term of service shall be two years.

His election

Sec. 2. The first election of the county superintendent shall be held on the first Monday of April, one thousand eight hundred and sixty-seven, and every two years thereafter. The election provided for by this act shall be conducted, as near as may be, in the same manner and by the same officers, and the inspectors of election shall make the same canvass, statement and returns as is provided by law for the election of a Judge of the Supreme Court; and said superintendent shall be voted for on the same ballot as the judge aforesaid; and the board of county canvassers shall determine and declare the person thus elected to the office of county superintendent.

How conducted.

Election of Co. superintendent.

Oath of office.

Sec. 3. A certificate of election shall be immediately issued by the county board of canvassers to the person so elected to the office of county superintendent, who shall, within twenty days thereafter, take and subscribe the oath of office prescribed by the constitution of this State, and deposit the same with the county clerk, to be filed and preserved in his office, when it shall be the duty of the county clerk to report the name and post office address of the county superintendent to the Superintendent of Public Instruction; and the county superintendent thus elected shall enter upon the duties of his office on the first day of May following, and shall hold his office at the county seat, or at some other place to be designated by the board of supervisors.

Location of office.

Compensation.

Sec. 4. The supervisors, or a majority of them, present at their first regular meeting, shall determine the compensation to be paid the county superintendent, but such compensation

shall not be less than three dollars nor more than five dollars for each day actually employed in the duties of his office, for such number of days as the supervisors may determine: *Pro-Provido.* *vided*, That the number of days shall not be less than the number of school districts in said county, and one day for each township thereof, for the examination of teachers. The compensation of the county superintendent shall be paid quarterly, from the county treasury; but before he shall be entitled to receive such compensation he shall file in the office of the county clerk a sworn statement of his account.

Sec. 5. The county superintendent shall examine all persons ^{Examine teachers.} offering themselves as teachers for the public schools, and shall attend in each township in his county, at least once in each year, for that purpose, and twenty days before the time of such examinations he shall notify the township clerk of the time and place thereof, and said clerk shall immediately cause written or printed notices of the same to be posted in three or more public places in the township. He may also hold examinations ^{Examinations, public} at such other times and places as he may appoint; but all examinations shall be public.

Sec. 6. He shall grant certificates, in such form as shall be ^{Licenses teachers.} prescribed by the Superintendent of Public Instruction, licensing as teachers all persons whom, on thorough and full examination, he shall deem qualified in respect to good moral character, learning and ability to instruct and govern a school; but no ^{Qualifications of teachers.} certificate shall be granted to any person who shall not pass a satisfactory examination in orthography, reading, writing, grammar, geography and arithmetic. No person shall be accounted a qualified teacher, within the meaning of the primary school law, nor shall any school officer employ or contract with any person to teach in any of the public schools in this State, who has not such a certificate in force, or the certificate provided by law to be given to the graduates of the State Normal School, or the certificate of the Superintendent of Public Instruction: *Provided*, That the certificate heretofore granted by the school ^{Provido.} inspectors shall be valid for the term for which they were given,

Previseo. unless sooner revoked by the county superintendent, on examination: *Provided also,* That the school inspectors may examine teachers, and grant certificates, until a county superintendent is elected and qualified, and whenever there shall be a vacancy in that office; but no certificate hereafter granted by the school inspectors shall be valid beyond three months after the next subsequent election of a county superintendent.

Grades of teachers. Sec. 7. There shall be three grades of certificates for teachers, to be granted by the county superintendent in his discretion, as follows, namely:

Certificate valid two years. *First.* The certificate of the first grade shall be granted to no person who has not taught at least one year in this State, with approved ability and success, and it shall be valid throughout the county, in and for which it was granted, for two years.

Valid one year. *Second.* The certificate of the second grade may be granted to any person of approved learning, qualifications and character, and shall be valid throughout the county for one year.

Valid six months. *Third.* The certificate of the third grade shall license the holder thereof to teach in some one specified township, and shall not continue in force for more than six months. The

Revocation of certificate. county superintendent may revoke any teacher's certificate for any reasons which would have justified the withholding thereof, when the same was given, or for gross negligence of duty, or for incompetency or immorality, which reasons shall not be spread upon the records of said superintendent, unless requested by the teacher; but no certificate shall be revoked without a reëxamination, unless the holder of such certificate shall, after reasonable notice, neglect or refuse to appear before the superintendent for such reëxamination. The superintendent shall keep a record of all the certificates granted or annulled by him, with the date, grade and duration of each, and shall deliver such record, with all other books and papers belonging to his office, to his successor.

Record of certificates. **Supt. Public Instruction grants certificates.** Sec. 8. The Superintendent of Public Instruction, on such evidence as may be satisfactory to him, may grant certificates licensing the holders thereof as teachers, duly qualified to

teach in any of the primary or graded schools in this State, which certificate shall be valid until duly revoked by said superintendent.

Sec. 9. It shall be the duty of the county superintendent—

First. To visit each of the schools in his county at least once in each year, to examine carefully into the discipline and the modes of instruction, and into the progress and proficiency of the pupils, and to make a record of the same, and to counsel with the teachers and district boards as to courses of studies to be pursued, and for the improvement of the instruction and discipline of the schools. School examinations

Second. To note the condition of the school-house and appurtenances thereto, and to suggest plans for new school-houses to be erected, and for warming and ventilating the same, and the general improvement of school-houses and grounds. Improvements, etc.

Third. To inquire into the condition of district and township libraries, and to counsel if necessary for the better management of the same, and to see that the money collected from fines is devoted to the increase of such libraries. Libraries examined.

Fourth. To promote by public lectures and teachers' institutes, and by such other means as he may devise, the improvement of the schools in his county, and the elevation of the character and qualifications of the teachers thereof. Public lectures, etc.

Fifth. To consult with the teachers and school boards to secure the more general and regular attendance of the children in his county upon the public schools. Attendance.

Sec. 10. It shall be the duty of the county superintendent to receive all such blanks and communications as may be directed to him by the Superintendent of Public Instruction, and to dispose of the same in the manner directed by the said Superintendent. Communications.

Sec. 11. The annual reports of the township inspectors provided by section seventy-nine, of chapter seventy-eight, of the compiled laws, shall hereafter be made to the county superintendent, and he shall immediately after receiving such reports, file copies of the same in the office of the county clerk, and Inspectors reports.

Disposition
of same.

transmit duplicates thereof, together with such other information as may be required of him, to the Superintendent of Public Instruction. He shall examine into the correctness of the inspectors' reports, and may when necessary, require the same to be amended, and shall indorse his approval upon such as he shall find correct. In case of a vacancy in the office of county superintendent, the reports of the school inspectors shall be received and transmitted as aforesaid by the county clerk.

Annual re-
ports.

Sec. 12. The county superintendents shall be subject to such rules and instructions as the Superintendent of Public Instruction may from time to time prescribe; and they shall make reports annually to the Superintendent of Public Instruction, at such times as he may direct, of the official labor performed, and of the general condition and management of the schools under their charge, and such other information as may be required of them by the said Superintendent.

Superinten-
dents shall
not act as
agent, etc.

Sec. 13. No county superintendent shall act as agent for any author, publisher or bookseller, or shall directly or indirectly receive any gift, emolument or reward for his influence in recommending the purchase or use of any library or school book, or school apparatus or furniture of any kind whatever; any act herein prohibited shall be deemed a violation of his oath of office, and any employment of such superintendent by any author, publisher or bookseller for that purpose, shall be deemed a misdemeanor.

Filling va-
cancy.

Sec. 14. Whenever by death, resignation or removal, or otherwise, the office of county superintendent shall become vacant, the State Superintendent shall have power to fill such vacancy.

Schools ex-
empt.

Sec. 15. All schools which by special enactment may have a board authorized to inspect and grant certificates to the teachers employed by the same, shall be exempt from the provisions of this act, except as is provided in sections eight and eleven.

Section
amended.

Sec. 16. Section ninety-one, of chapter seventy-eight, of compiled laws, shall be amended so as to read as follows:

Sec. 91. The whole number of meetings of the township board of inspectors during any one year, at the expense of the township, shall not exceed four, and the township clerk shall give at least ten days public notice of any meeting of the board, by posting such notice in three public places in the township.

Sec. 17. Sections seventy-four, eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine and ninety, of chapter seventy-eight, of the compiled laws, and all other acts or parts of acts inconsistent with this act are hereby repealed. Acts repealed.

Sec. 18. This act shall not take effect in any county, unless there be at least ten school districts in such county.

Sec. 19. This act shall take immediate effect.

Approved March 13, 1867.

[No. 56.]

AN ACT to provide for the preservation of the Muskegon river improvement, and for other purposes.

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of preserving, keeping in repair, and collecting tolls, on the Muskegon river improvement, in the county of Muskegon, the Governor is hereby authorized to appoint a commissioner, removable at his pleasure, whose duty it shall be to take the general supervision, and keep in repair the said improvement; and for this purpose, he shall, on or before the fifteenth day of April, in each year, make an estimate of the cost of all such repairs and superintendence for the ensuing year, and cause the same to be levied and collected as tolls, upon the logs, lumber, timber and water craft, passing through said improvement or canal. Commissioner appointed. His duty.

Sec. 2. In addition to the tolls provided for in the preceding section, the said commissioner shall, for and during the year 1867, and the four years next thereafter, in like manner, assess, levy and collect on the logs, lumber, timber and water craft, passing through said improvement, such further and other tolls, Levy of tolls.

in such collection shall be paid from the tolls herein provided for.

Sec. 5. The compensation of the commissioner shall be six hundred dollars per annum, and five per cent. upon all tolls collected under the provisions of this act. Commissioner's compensation.

Sec. 6. The commissioner may appoint a competent person as superintendent, removable at his pleasure, whose duty it shall be to superintend repairs, do such work, and discharge such other duties connected with the improvement and the management thereof, as the commissioner shall prescribe, and said superintendent shall receive such compensation as the commissioner shall determine, not exceeding eighty dollars per month during the time necessarily employed, and whenever required by the commissioner, shall make a full statement of the condition of the work, the repairs made or needed, amount expended thereon, and all tolls collected by him, and shall pay over to said commissioner all moneys in his hands at the date of such report. Said commissioner may require of said superintendent satisfactory bonds for the faithful discharge of the duties of his office. Superintendent; his duty. Pay. Report. Bond.

Sec. 7. The commissioner shall, annually, on or before the first day of January of each year, make a full report of all his acts and doings, the amount of tolls collected, the manner in which the same have been expended, and the condition of the said improvement, and transmit the same to the Auditor General, who shall file the same in his office. The salary of the commissioner and of the superintendent, and all other expenses incurred under and in pursuance of this act, shall be paid by said commissioner from the tolls herein provided for, and no charge of any kind or nature shall be made against the State for any such salaries, repairs or expenses. Commissioner's report. Salary. How paid.

Sec. 8. In case of a vacancy in the office of commissioner, occasioned by the death, resignation, refusal to serve, a removal from the State, or from other cause, such office shall be again filled by the Governor. Filling vacancy.

Act re-
pealed.

Sec. 9. The act entitled "an act to provide for the preservation of the Muskegon river improvement, and to authorize tolls for the same," approved March 16th, 1861, and so much of all other acts and resolutions as contravene the provisions of this act, are hereby repealed.

Sec. 10. Nothing in this act shall be so construed as to acknowledge or recognize the pretended claim of William Beard and others, hereinbefore referred to, as a valid or meritorious claim against this State, either in law or equity.

Sec. 11. This act shall take immediate effect.

Approved March 14, 1867.

[No. 57.]

AN ACT to confirm the title of the Northern Central Michigan Railroad Company to the property, right and franchises acquired by it of the Amboy, Lansing and Traverse Bay Railroad Company.

Rights ac-
quired.

Whereas, The Northern Central Michigan Railroad Company was organized on the tenth day of November, in the year of our Lord one thousand eight hundred and sixty-six, in pursuance of the laws of this State;

And whereas, Said company has acquired all the right of the Amboy, Lansing and Traverse Bay Railroad Company, to that portion of said road south of Michigan avenue, in the city of Lansing, to Amboy, including the lands granted by act of Congress, entitled "an act making a grant of alternate sections of the public lands to the State of Michigan," approved June third, eighteen hundred and fifty-six, applicable to aid in the construction of its line of railroad; therefore,

Rights to
land con-
ferred.

SECTION 1. *The People of the State of Michigan enact*, That the right of the Northern Central Michigan Railroad Company, in and to so much of said land grant, made by said act of Congress, approved June third, eighteen hundred and fifty-six, and renewed and extended by act of Congress, approved July third, eighteen hundred and sixty-six, as is

applicable to aid in the construction of said line of railroad from Amboy, by Hillsdale and Lansing, to some point on or near Traverse Bay, as is situated south of Michigan avenue, in the city of Lansing, be and hereby is confirmed; and so much of the lands, included in said grant, as may be acquired, taken and sold on the completion of said railroad from Lansing to Amboy, according to the provisions of the act of Congress, approved July third, eighteen hundred and sixty-six, and all the rights, powers, privileges and franchises that are or may be granted or conferred in pursuance of said act of Congress, or either of them thereunto belonging, or in any way pertaining, are and shall be deemed and held as confirmed upon, granted to and vested in the said Northern Central Michigan Railroad Company, subject to all the conditions, restrictions and obligations imposed by said act of Congress; and said company ^{Land patents.} may obtain patents for said granted lands, and take, hold and dispose of the same, in the manner, in the quantities and on the terms and conditions prescribed in the said act of Congress of July third, eighteen hundred and sixty-six, and may do and perform all the acts and things, in reference to said railroad line and said land grant, authorized to be done by said act, and on the terms and conditions therein prescribed, and receive, take and enjoy the advantages arising therefrom.

Sec. 2. This act shall take immediate effect.

Approved March 15, 1867.

[No. 58.]

AN ACT to repeal all existing laws, rules and provisions of law restricting or controlling the right of a party to agree with an attorney, solicitor or counselor for his compensation, and to more accurately fix and determine the costs to be allowed to the prevailing parties in suits at law in the circuit court.

SECTION 1. *The People of the State of Michigan enact,* That all ^{Laws repealed.} existing laws, rules and provisions of law, restricting or controlling the right of a party to agree with an attorney, solicitor

Costs, etc.,
allowed.

or counsel for his compensation, are repealed, and hereafter the measure of such compensation shall be left to the agreement, express or implied, of the parties; but there shall be allowed to the prevailing parties costs, in addition to the fees of officers, disbursements and witness, in suits at law commenced or brought into the circuit court, by appeal or otherwise, as follows:

Proceedings
before trial.

For proceedings before notice of trial, in all actions of ejectment, or other actions involving the question of title to real estate, and in all actions for libel, slander, malicious prosecution or criminal conversation, fifteen dollars; for all subsequent proceedings in such actions, before trial, five dollars;

Subsequent.

Issues of
law.

For the trial of issues of laws, if separate from the trial of issues of fact, ten dollars;

Issues of
fact.

For every trial of the issues of fact, if separate from the trial of the issues of law, fifteen dollars;

Fact and
law.

For the trial of the issues of fact and of law, when tried at the same time or term, twenty dollars;

Before notice
of trial.
Subse-
quently.

For proceedings before notice of trial, in every other kind of civil action at law, ten dollars; and for all subsequent proceedings, before trial, five dollars;

Issues of
law separate
from fact.

For the trial of issues of law, if separate from the trial of issues of fact, in any of the actions last above referred to, ten dollars;

Issues of
fact separate
from law.

For the trial of the issues of fact, if separate from the trial of the issues of law, in any of the actions last aforesaid, ten dollars; and for the trial of the issues of law and fact, at the same time or term, in such actions, fifteen dollars;

Cognovit.

In all actions where a judgment is taken by default, or on cognovit, fifteen dollars;

Postpone-
ment.

For every circuit or term at which a cause is regularly on the calendar and not reached, or is postponed, excluding that at which it is tried or heard, five dollars: *Provided*, That in

Provido.

cases brought into the circuit court, by appeal, the appellant who did not defend his suit in the court below, shall not, in any case, recover costs, unless the court shall be satisfied that

the judgment against such appellant was taken and obtained by the plaintiff for at least fifteen dollars more than was justly due such plaintiff from such defendant. Nor shall the appellant recover costs in any case, unless the judgment in the circuit court shall be ten dollars more favorable to him than in the court below. In cases upon contract, and in all other cases, the amount of the reduction to govern costs shall be left in the discretion of the court; but in such cases the appellee shall recover costs; and in all appeal cases hereafter brought into the circuit court, in which a party shall succeed so as to entitle him to costs, as hereinbefore provided, by reason or means of his presenting a different issue, by the pleadings, from that presented in the court below, such party shall not recover costs, but the adverse party shall, in such case, be entitled to costs;

Amount of judgment appealed from. Circuit Court judgment.

When appellee recovers costs.

When he does not.

In all cases of certiorari to a circuit court to the plaintiff in error, on reversal of the judgment, fifteen dollars; to the defendant in error, on the affirmance of the judgment, twelve dollars. If the judgment on certiorari be reversed in part, and affirmed as to the residue, the amount of costs allowed to either party shall be such sum as the court may award, not exceeding ten dollars;

Fees on reversal of judgment. On affirmance.

Partially reversed.

In all cases of special motion, such sum shall be awarded to either party as the court, in view of the circumstances, shall deem just.

Special motion.

Sec. 2. No costs shall be taxed in suits of law hereafter tried in the circuit court, except such as are allowed by the provisions of this act.

Other costs.

Approved March 15, 1867.

[No. 59.]

AN ACT to extend aid to the University of Michigan.

SECTION 1. *The People of the State of Michigan enact, That* there shall be assessed upon the taxable property of this State, in the year eighteen hundred and sixty-seven, and in each year

University tax.

thereafter, for the use, aid and maintenance of the University of Michigan, the sum of one-twentieth of a mill on each dollar of said taxable property assessed and paid into the treasury of the State, in like manner as other State taxes are by law levied, assessed and paid; which tax, when collected, shall be paid by the State Treasurer to the treasurer of the Board of Regents of the University, in like manner as the interest on the University of fund is paid to said treasurer of said board: *Provided, That* the Regents of the University shall carry into effect the law which provides that there shall always be at least one professor of homeopathy in the department of medicine, and appoint said professor at the same salary as the other professors in this department, and the State Treasurer shall not pay to the treasurer of the Board of Regents any part or all of the above tax until the Regents shall have carried into effect this proviso.

Approved March 15, 1867.

Professor
Homeo-
pathy.

[No. 60.]

AN ACT to amend section three thousand eight hundred and thirty-seven, of the compiled laws, in regard to appeal bonds.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section three thousand eight hundred and thirty-seven, of the compiled laws, be and the same is hereby amended so as to read as follows:

Appeal
bonds.

(3837.) Sec. 185. The party appealing, under the provisions of the preceding section, shall also, within five days after the rendition of the judgment, deliver to the justice a bond or recognizance to the adverse party, in conformity with the following provisions:

Amount.

First. It shall be in a penalty not less than fifty dollars, and not less than double the amount of the judgment, excluding costs;

Recital of
appeal.

Second. It shall recite the judgment so far as to exhibit the names of all the parties, the character in which they prosecuted

or defended before the justice, the amount recovered and the name of the justice;

Third. It shall contain a condition that the appellant will Conditions. prosecute his appeal, with all due diligence, to a decision in the circuit court, and that, if a judgment be rendered against him in such court, he will pay the amount of such judgment, including all costs, with interest thereon; and if his appeal shall be discontinued or dismissed, that, he will pay the amount of the judgment rendered against him, if any, in the justice's court, including all costs, with interest thereon;

Fourth. It shall be executed by the appellant, with one or How executed. more sufficient sureties, or by two or more sufficient sureties without the appellant; such bonds or recognizances may be taken by the justice by whom the judgment was rendered, or by any other justice of the peace of the same township or city.

Approved March 15, 1867.

[No. 61.]

AN ACT to add a new section to chapter one hundred and eighty, of the compiled laws, in regard to evidence in certain criminal cases.

SECTION 1. *The People of the State of Michigan enact, That* a new section be added to chapter one hundred and eighty, of the compiled laws, to stand as section thirty-five, as follows:

Sec. 35. In case of prosecution under sections thirty-three Section added. and thirty-four of this chapter, it shall not be necessary for the prosecution to prove that no such necessity existed, or that the advice of two physicians was not given.

Approved March 15, 1867.

[No. 62.]

AN ACT to amend section three thousand five hundred and forty-four, of the compiled laws, relating to proceedings in courts of chancery against absent, concealed and non-resident defendants.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section three thousand five hundred and forty-four, of the compiled laws, be and hereby is so amended that said section shall read as follows:

Appearance
after decree

(3544.) Sec. 91. If the defendant against whom such decree shall have been made, unless such decree shall be a decree of divorce, or his representatives, shall afterward appear and petition to be heard, the party so petitioning shall be admitted to answer the complainant's bill upon paying or securing to be paid such costs as the court shall adjudge, and the suit shall then proceed in like manner as if such defendant had appeared in due season and no decree had been made.

Approved March 15, 1867.

[No. 63.]

AN ACT to amend section three and section thirteen, of act number two hundred and eighteen, of the session laws of eighteen hundred and sixty-one, relative to actions for forcible or unlawful entry and detainer.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* sections three and thirteen, of act number two hundred and eighteen, of the session laws of eighteen hundred and sixty-one, at page four hundred and sixty-six, be amended so as to read as follows:

Form of
complaint.

Sec. 3. The person entitled to the possession of the premises, his agent or attorney, may make complaint in writing and on oath, and deliver the same to a circuit court commissioner, or the recorder of the city of Detroit, or a judge of a court of record, of the county or city in which the premises are situated, or to a justice of the peace of the township where the premises

are located, setting forth that the person complained of, is in possession of the lands or tenements in question, describing them, and that he entered into the same with force, or that he unlawfully holds the same by force, or against the rights of the complainant, as the case may be: *Provided*, That justices of the peace shall not have jurisdiction under this act, when a circuit court commissioner resides in the same township or city, unless such circuit court commissioner shall be absent from the county, or is interested in the case either as principal, agent or attorney.

Sec. 13. In the cases specified in the preceding section the person or persons entitled to the possession of the premises, his or their agent or attorney, may make complaint in writing and on oath, and deliver the same to a circuit court commissioner, or to such recorder, or to a judge of a court of record as aforesaid, or to a justice of the peace, when he shall have jurisdiction under this act, setting forth that the person complained of, is in possession of the lands or tenements in question, describing them, and that such person holds the same unlawfully, and against the rights of the complainant.

Approved March 15, 1867.

[No. 64.]

AN ACT to amend chapter fifty-eight, of the revised statutes of eighteen hundred and forty-six, by adding a new section thereto, to stand as section one hundred and twenty-one.

SECTION 1. *The People of the State of Michigan enact*, That chapter fifty-eight, of the revised statutes of eighteen hundred and forty-six, be amended by adding a new section thereto, to stand as section one hundred and twenty-one, said section to read as follows:

Sec. 121. That no school district shall apply any of the moneys received by it from the primary school fund, or from any or all other sources, for the support and maintenance of any school of a sectarian character, whether the same be under

Chapter amended.
Sectarian schools barred from school fund.

the control of any religious society or made sectarian by the school district board.

Sec. 2. This act shall take immediate effect.

Approved March 19, 1867.

[No. 65.]

AN ACT to amend an act entitled "an act to provide for the incorporation of railroad companies," approved February 12, 1855, and an act amendatory thereof, approved March 15, 1861.

Section
amended

SECTION 1. *The People of the State of Michigan enact*, That section one, of an act entitled "an act to provide for the incorporation of railroad companies," approved February 12, 1855, being section 1945 of the compiled laws, be so amended as to read as follows:

Authorized
to incorpo-
rate.

(1945.) Sec. 1. *The People of the State of Michigan enact*, That any number of persons, not less than twenty-five, being subscribers to the stock of any contemplated railroad, railroad bridge or railroad tunnel, may be formed into a corporation for the purpose of constructing, operating and maintaining such railroad, railroad bridge or railroad tunnel, over or under any of the waters of this State, by complying with the following requirements: when stock to the amount of one thousand dollars for every mile of said road so intended to be built, or to the extent of one-half of the estimated cost of any such bridge or tunnel so intended to be built, shall be in good faith subscribed, and five per cent paid thereon, as herein required, then such subscribers may select directors for said company; and thereupon they shall severally subscribe articles of association, in which shall be set forth the name of the corporation, the number of years the same is to be continued, the amount of the capital stock of the company, which shall not be less than eight thousand dollars per mile of road constructed or proposed to be constructed of the "T" or continuous rail, and not less than four thousand dollars per mile of road constructed or proposed

Require-
ments.

Articles of
association.

"T" rail

to be constructed with the flat bar rail, and not less than half ^{Flat bar rail} the estimated cost of any such bridge or tunnel: *Provided*, ^{Proviso.} That no car shall be run at a higher rate of speed than fifteen ^{Speed on flat bar rail} miles per hour upon any road so constructed with the flat bar rail; the number of shares of which the stock shall consist; the ^{Directors.} number of directors and their names, who shall not exceed in number one-half the stockholders; the place from and to which ^{Line of construction.} the proposed road is to be constructed, and each county into or through which it is intended to pass, and its length, as near as may be, and the name of five commissioners to open books of subscription to the stock; and in the case of such bridge or tunnel, the locality in which it is intended to construct the same; each subscriber to such articles of association shall sub- ^{Articles filed.} scribe thereto his name, place of residence, and the number of shares of stock taken by him in such company; the articles of association may be filed in the office of the Secretary of State: *Provided*, That such articles of association shall not be filed in ^{Proviso.} the office of the Secretary of State, as aforesaid, until five per cent. of the amount of stock subscribed thereto shall have been actually paid in cash to the directors named in such articles, nor until there is annexed thereto an affidavit made by at least one-half of the directors named in said articles, that the amount of stock required by this section, to wit: one thousand dollars ^{Amount of stock paid in before filing.} per mile for any such railroad, or one-half of the estimated cost of any such railroad bridge or tunnel has been subscribed, and that five per cent. on the amount has actually been paid in; and thereupon the persons who have subscribed, and all persons who shall from time to time become stockholders in such company, shall be a body corporate, by the name specified in such articles, and shall be capable of suing and being sued, and may have a common seal, and may make and alter the same at pleasure, and be capable in law of purchasing, holding and conveying any real and personal property whatever, necessary for the construction of such road, bridge or tunnel, and for the erection of all necessary buildings, yards and appurtenances for the use of the same, and shall have power annually thereafter,

or at such other time as the stockholders owning not less than one-fourth of the stock shall determine, and in the same manner as provided in section 1950 of the compiled laws, to call a meeting of the stockholders, and thereat to choose not less than seven nor more than thirteen directors, who shall be members of said body corporate; and all the provisions of section four of this act shall apply to the election of such directors; and any railroad bridge or railroad tunnel company shall for all the purposes of this act, be deemed and taken to be a railroad company, and shall be entitled to all the benefits of all the provisions of this act, and subject to all its restrictions: *And provided further*, That any railroad bridge company or railroad tunnel company, which may be organized under this act to bridge or tunnel the Detroit river or the River St. Clair, or any of the waters in the jurisdiction of this State, shall have the right to consolidate the stock, property and assets of said company with the stock, property and assets of any company organized or to be organized under the laws of this State, or which may be created under the laws of any adjacent State or country, to construct any such bridge or tunnel to connect therewith, upon such terms, conditions and agreements as may by the said two companies be deemed just and equitable: *Provided*, That every such bridge or tunnel shall be so constructed as not to be a material obstruction to navigation.

Proviso.

Right to
consolidate.

Prov:

Section
amended.

Sec. 2. That section two of said act, as amended by section one, of act No. 173, of the session laws of 1861, be amended so as to read as follows:

Certified
copy pre-
sumptive
evidence.

Sec. 2. A copy of any articles of association filed in pursuance of this act, with a copy of the affidavit annexed thereto, as well as of any articles amendatory thereto, and certified by the Secretary of State, under the seal of the State, to be a copy, shall in all courts and places be presumptive evidence of the incorporation of said company, as well as of the articles amendatory thereto; and all such articles of association, filed in pursuance of this act, with all subsequent alterations and amendments thereof, and also the affidavits annexed thereto, shall be

Articles re-
corded and
filed.

forthwith recorded in a book to be provided by him for that purpose, said record to be made at the expense of the company filing the same; and as soon as the articles of association, as well as any articles amendatory thereto, are filed as above provided, the company filing the same may at once proceed to construct, operate and maintain its railroad or any section thereof, and to exercise the proper powers and privileges, and to accept such municipal or individual aid as may be pledged for such purpose, and also to levy and collect such assessments upon the stock subscribed for such purpose as said company shall determine: *Provided*, That the amount of such municipal and individual aid, together with the stock actually subscribed, shall be at least six thousand dollars for each mile of the road to be so constructed; and it shall be competent for any company organized under this act, upon a vote of two-thirds in value of its stockholders, at any meeting thereof, to alter and amend its articles of association so as to extend the length of the line thereof from either of its termini to such further and other point as they may determine; and upon such vote, the said company may make articles amendatory of their original articles, for the purpose of extending the line of its road, as aforesaid, and which shall be signed by at least two-thirds of the stockholders in value; and when so signed and certified to, under the seal of the company, to have been made upon the vote, and signed by two-thirds of the stockholders in value, and filed with the Secretary of State, they shall have the same force and effect as though such amendments or alteration had been included in and made a part of, and embraced in its original articles of organization.

Company may proceed to construct.

Provided.

Articles may be amended.

For what purpose.

Sec. 3. This act shall take immediate effect.

Approved March 19, 1867.

[No. 66.]

AN ACT to amend act number three hundred and twenty-eight, of the session laws of the year one thousand eight hundred and sixty-five, approved March twenty-first, eighteen hundred and sixty-five, being an act to amend an act entitled "an act to provide for the erection and maintenance of shutes for the passage of fish through the dams across the streams of this State."

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section number two, of an act entitled "an act to provide for the erection and maintenance of shutes for the passage of fish through the dams across the streams in this State," approved March twenty-first, one thousand eight hundred and sixty-five, be and the same is hereby amended so as to read as follows:

Erection of
shutes.

Sec. 2. There shall be erected and maintained in each dam across any stream which by law is a public highway, by the owner or occupant thereof, or by those persons using the waters thereof, through the medium of any canal or race, sufficient and permanent shutes to admit the passage of fish in such stream during the months of April, May and June in each year; and if the owner of or occupant of any such dam, or person or persons using the water thereof, through the medium of any canal or race, shall neglect or refuse, for the period of sixty days, to construct and maintain such shutes, as aforesaid, whenever requested, in writing, so to do by any ten freeholders of the same county, such person or persons shall be deemed guilty of a misdemeanor, and for each and every sixty days that such person or persons shall so neglect or refuse, he or they shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment, in the discretion of the court.

Neglect to
erect.

Penalty.

Approved March 20, 1867.

[No. 67.]

AN ACT to amend section one, of an act entitled "an act relative to laying out, altering and discontinuing highways," approved March fifteenth, eighteen hundred and sixty-one.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section one, of an act entitled "an act relative to laying out, altering and discontinuing highways," approved March fifteenth, eighteen hundred and sixty-one, be amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact, That* Application to commissioners of highways.
 whenever any seven or more freeholders of any township shall wish to have a highway in any part of such township, not included within the corporate limits of any city or village, laid out, altered or discontinued, they may, by writing, under their hands, make application to the commissioners of highways of the township for that purpose, who shall thereupon proceed to determine and act upon such application, as hereinafter provided; and whenever any five or more freeholders of each of To corporate authorities.
 any adjoining municipal corporations, other than adjoining townships, shall wish to have a highway on any boundary line between such corporations laid out, altered or discontinued, they may in like manner, make application for that purpose, to the corporate authorities of either of such municipal corporations having by law jurisdiction of matters pertaining to laying out, altering or discontinuing highways; and upon such application being made, the officers to whom it is presented shall Notice of meetings.
 immediately notify the like officers of the other corporations interested, of the time and place when and where they will meet such officers, to consider, determine, and act upon such application, which time shall be not more than ten days from the time of the presentation of such application; and such several corporate authorities shall thereupon proceed jointly, to consider, determine and act upon such application as hereinafter directed; and the damages which shall be assessed in any case Payment of damages.
 last above provided for, together with the costs and expenses

of the proceedings, shall be paid by each of the municipal corporations on the line between which such highway is located, in proportion to the benefit to be derived therefrom by such corporations, and the same shall be levied and collected in the same manner as other general expenses of such corporations.

Extend to
counties.

The provisions of this act shall extend to counties, and the boards of supervisors thereof are hereby empowered to make such rules and regulations as may be necessary to carry out those provisions of this act applicable to county line roads:

Proviso.

Provided, That no highway which shall have been in use as such for an uninterrupted period of ten years, shall be discontinued, except upon the unanimous vote of all the officers or authorities present at such meeting, approved, in the case of township roads, by the township board or boards: *Provided*,

Proviso.

That no second application shall be made within twelve months for that purpose, unless twice the number of freeholders above mentioned shall sign such application.

Approved March 20, 1867.

[No. 68.]

AN ACT to provide for the return and settlement of tax sales of county treasurers.

Annual
settlement.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the county treasurers of the several counties in said State, to return to the Auditor General of the State the books, records and certificates connected with the sale of lands for taxes in their respective counties, and make a settlement of said sales with said Auditor General, annually, on or before the first day of December following said sales.

Neglect to
settle.

Sec. 2. The said county treasurers shall account for and pay over to the State Treasurer, on the certificate of the Auditor General, all moneys found due from them to the State, on account of said tax sales, annually, on or before the first day of December following the said sales; and if said county treasurers

shall refuse to willfully neglect to pay over to the State Treasurer the amount so found due from them as aforesaid, they shall be liable to a prosecution by the Auditor General, under the provisions of section five thousand seven hundred and eighty, of the compiled laws of eighteen hundred and fifty-seven, and upon conviction, be punished as therein mentioned.

Approved March 20, 1867.

[No. 69.]

AN ACT to amend chapter one hundred and three, of the compiled laws of eighteen hundred and fifty-seven, relating to the sale of real estate on execution, by adding thereto a new section.

SECTION 1. *The People of the State of Michigan enact, That* Section amended. chapter one hundred and three, of the compiled laws, be amended by adding thereto a new section, to be known as section fifty-seven, to wit:

Sec. 57. When any judgment debtor shall have or own an Tenant in common. undivided interest or estate, as tenant, in common or otherwise, with the same parties in several pieces or parcels of land, the sheriff to whom any execution issued on any judgment against said debtor may be directed, may levy said execution upon any such undivided interest or estate, and in case of an existing Sheriff's sale. levy thereon, may advertise and sell, as a single parcel, the interest of such judgment debtor in any or all of such undivided and unpartitioned tracts or parcels in his bailiwick, and the same may be redeemed only on payment of the sum bid, with interest at the rate borne by the judgment under which such sale was made. Redemption. Certificates, setting forth a description of Filing certificate of sale. the premises in which such interest may have been sold, the sum bid, and the time when such sale will become absolute and the purchaser entitled to a deed, shall be made, delivered to the purchaser, and filed in the office of the register of deeds, in the same manner and with like effect as in other cases of sales of real estate on execution.

Approved March 20, 1867.

[No. 70.]

AN ACT to provide against nuisances.

Burial of
dead ani-
mals.Penalty of
neglect.Additional
offense.

Penalty.

SECTION 1. *The People of the State of Michigan enact, That* if any person or persons shall put any dead animal or part of the carcass of any dead animal, into any lake, river, creek, pond, road, street, alley, lane, lot, field, meadow or common, or in any place within one mile of the residence of any person or persons, except the same and every part thereof be buried at least two feet under ground, and if the owner or owners thereof shall knowingly permit the same to remain in any of the aforesaid places, to the injury of the health, or to the annoyance of the citizens of this State, or any of them, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a sum not less than five dollars nor more than ten dollars, together with the costs of prosecution, and in default in the payment thereof, shall be imprisoned in the county jail of the county in which such conviction may be had, not exceeding ten days, to be imposed by any court of competent jurisdiction; and every twenty-four hours said owner may permit the same to remain after such conviction, shall be deemed an additional offense against the provisions of this act, and upon conviction thereof shall forfeit and pay a further sum of not less than ten dollars and not more than thirty dollars, together with the costs of prosecution, to be recovered as aforesaid, and in default in the payment thereof, be imprisoned as aforesaid not more than thirty days, or be punished by both such fine and imprisonment, in the discretion of the court.

Approved March 20, 1867.

[No. 71.]

AN ACT to prevent the running at large of bulls, stallions, boars and rams.

Penalty

SECTION 1. *The People of the State of Michigan enact, That if* the owner of any bull, stallion, boar or ram shall allow the same

to go at large out of his enclosure, he shall forfeit the sum of five dollars for such offense, to be recovered on complaint before any justice of the peace of the county in which such owner may live, and twice that amount on any subsequent conviction: *Pro- Provide.* That such complaint shall be prosecuted within thirty days next after such animal shall be found at large as aforesaid.

Sec. 2. In addition to the penalty prescribed in the foregoing section, the owner of said bull, stallion, boar or ram thus found going at large, shall be liable to the owner of any cow, mare, sheep or swine, for any and all damages arising from the going at large of such animals as aforesaid, to be recovered on any suit brought before any court of competent jurisdiction, Additional penalty.

Approved March 20, 1867,

[No. 72.]

AN ACT relative to the discontinuing of State roads by the commissioners of highways.

Whereas, Commissioners of highways of some of the townships of this State have, under a misapprehension and without any lawful authority, assumed or pretended to discontinue certain State roads, which could only be discontinued by the Legislature, State Board of Control or the board of supervisors of the proper county; therefore Assumption of power by commissioners.

SECTION 1. *The People of the State of Michigan enact*, That no commissioners of highways of any townships of this State shall hereafter attempt to discontinue any State road, or presume to exercise any such power over any such road.

Approved March 20, 1867.

[No. 73.]

AN ACT to amend section two, of act number one hundred and forty-seven, of the session laws of eighteen hundred and sixty-one, it being an act to amend sections two thousand and fourteen and two thousand and seventeen of the compiled laws, in reference to religious societies, so as to authorize the recording of articles of association, and to give trustees, wardens and vestrymen authority to execute securities upon church property, in certain cases.

Section
amended,

SECTION 1. *The People of the State of Michigan enact, That* section two, of act number one hundred and forty-seven, of the session laws of eighteen hundred and sixty-one, be and the same is hereby amended so as to read as follows:

Authorized
to purchase.

(2017.) Sec. 9. The said trustees or wardens and vestrymen shall also have authority, under the direction of the society or congregation, to purchase sites, to purchase or erect churches or meeting-houses, dwellings for their ministers or their priests, or other buildings for the direct and legitimate use of their church, congregation or society, to alter and repair the same, but for no secular purpose; and also, under the direction of the society or congregation, to give, execute and acknowledge, in their official capacity, any obligations and securities or mortgages upon the property of such church, congregation or society, for the payment of just liabilities which may have been or may thereafter be created, in the purchase of the site, or the purchase or erection or repair of such church, meeting-house or other building.

Execute
mortgages,
etc.

Sec. 2. This act shall take immediate effect.

Approved March 21, 1867.

[No. 74.]

AN ACT making appropriation for the support of the State Agricultural College, and to pay the expenses of the State Board of Agriculture.

Appropriation.

SECTION 1. *The People of the State of Michigan enact, That* there shall be and is hereby appropriated, out of the State

Treasury, the sum of twenty thousand dollars for the year one thousand eight hundred and sixty-seven, and the sum of twenty thousand dollars for the year one thousand eight hundred and sixty-eight, for the use and support of the State Agricultural College, and to pay the expenses of the State Board of Agriculture, which said moneys shall be expended under the direction of said board, so far as may be necessary, for the purposes aforesaid, and shall be drawn from the treasury on the present- ^{How drawn} ation of the proper certificates of the said board to the Auditor General, and on his warrant to the State Treasurer.

Sec. 2. This act shall take immediate effect.

Approved March 21, 1867.

[No. 75.]

AN ACT to exempt soldiers, sailors and marines from the payment of a capitation or poll tax.

SECTION 1. *The People of the State of Michigan enact, That* ^{Exemptions} every soldier, sailor or marine, being an inhabitant of the State of Michigan, who has served in the war of the rebellion, (so called,) and who has been honorably discharged from the service of the United States, either in consequence of wounds received or disease contracted while in the line of duty, shall be exempt from the payment of any capitation or poll tax: *Provided,* Sufficient evidence be furnished to the supervisor or ^{Provide} other assessing officer of the city, township or village where said soldier, sailor or marine may reside, of such facts: *And* ^{Provide} *provided further,* That said soldier, sailor or marine shall never have been a deserter.

Sec. 2. This act shall take immediate effect.

Approved March 21, 1867.

[No. 76.]

AN ACT to provide for the appointment of a commissioner to be known as the "Swamp Land State Road Commissioner."

Appoint-
ment.

SECTION 1. *The People of the State of Michigan enact, That* there shall be appointed by the Governor, by and with the consent of the Senate, a commissioner, to be known as the swamp land State road commissioner, whose term of office shall continue during the pleasure of the Governor, who shall devote his entire time to the discharge of the duties of said office. The compensation of said commissioner shall be two thousand dollars per year, for the two next ensuing years.

Salary.

Location of
office.

Sec. 2. The office of said commissioner shall be kept in that of the Commissioner of the State Land Office, who is hereby required to furnish to said commissioner the necessary room for the transaction of the business of his office.

Clerk.

Sec. 3. The said commissioner is hereby authorized, if necessary, to appoint a clerk, on the terms and conditions now prescribed for the employment of clerks in the State Land Office.

Must keep
records.

Sec. 4. The said commissioner shall provide suitable books of accounts and records, in which shall be kept the accounts of the said commissioner with all contractors, and all appropriations by the number of the act, and a complete record of the transactions of such commissioner under the provisions of this act, and shall properly care for all contracts, profiles, diagrams, surveys, letters, requests, applications, letters and memorandums of information relating to the construction of any or all State swamp land roads.

Official oath

Bond.

Sec. 5. The said commissioner, before entering upon the duties of his office, shall take the oath prescribed by the constitution, and file said oath, together with a bond in the sum of twenty thousand dollars, in the office of the Secretary of State, which bond shall be approved by the Board of State Auditors, and shall be signed by not less than two sureties, and shall be conditioned for the faithful discharge of the duties of such office by the commissioner.

Sec. 6. The said commissioner is hereby empowered and re-
 quired to superintend the lettings of all contracts upon State
 swamp land roads, required by law to be made for the con-
 struction of any of said roads, to approve or reject any bid, as
 in his judgment shall be deemed best. He shall also have
 power to approve or reject the acceptance of any contract by
 the local commissioner for said road, and upon the approval
 thereof, shall certify as completed, according to the terms of
 such contract, the work required to be done by the provisions
 of that instrument, and said certificate of satisfaction shall be
 final and conclusive, upon the approval thereof by a majority
 of the board of control. The said commissioner is hereby
 required to personally inspect the work required to be done by
 the terms of any contract, prior to making his certificate of
 satisfaction therefor; and said certificate of satisfaction, upon
 the approval thereof by the board of control, shall be sufficient
 voucher for the Auditor General to draw his warrant upon the
 Treasurer for land or money, as is or may be provided by the
 law or laws under the provisions of which said contract or con-
 tracts were made. The said commissioner shall have power to
 apportion all appropriations, whether of land or money, on any
 of said roads to the several parts thereof, as the advantages or
 disadvantages thereof may in his opinion require; but such
 apportionment shall not be made prior to a personal inspection
 of the route of such line of road or roads by the said commis-
 sioner, or he shall have been furnished with an accurate survey
 of said line of road or roads, showing the character of the
 country through which such road or roads may be located, and
 the necessity of such apportionment. The said commissioner
 shall have power to appoint one, and if he should deem it
 expedient, may appoint two local commissioners for each road,
 whose duties shall be defined and prescribed by a written
 instrument, authorizing him to act as a local commissioner
 under the provisions of this act. It shall also be the duty of
 said commissioner to examine into all cases of trespass on the
 swamp lands of the State, and to prosecute therefor and collect

Letting con-
tracts.

Certificate
of approval.

Personal
inspection.

Approval
certificate
sufficient
voucher.

Power to
apportion.

Conditions

Power to
appoint.

Cases of
trespass.

Local officers pay.

damages for such trespass. The term of office of said local commissioners shall be during the pleasure of said commissioner, and they shall be paid as is now required by law, upon the certification of their accounts by the said commissioner.

Seal.

Sec. 7. Said commissioner shall keep an official seal, and affix it to all official papers, and he shall also have power to administer oaths to said local commissioners, and to any contractor or contractors, touching the subject of their duties or obligations, under the provisions of this and other acts, providing for swamp land roads. Said commissioner shall also have power to administer oaths to any person whose evidence or affidavit he shall require in the performance of his official duties.

Oaths.

Suspension of work.

Sec. 8. The said commissioner shall have power to discontinue or suspend the work upon any swamp land road, during any intervening period of the regular meetings of the board of control, subject to the approval of said board, at their first meeting thereafter.

Place and time of meeting.

Sec. 9. The board of control shall be and hereby is required to meet at the city of Lansing, at least four times in each year, which meetings shall be quarterly meetings, and held respectively on the first Wednesday of each of the following months: January, April, July and October. At each of the regular meetings of said board of control, the commissioner herein provided for shall present a complete exhibit of his proceedings, under the provisions of this act; and on or before the first day of each session of the Legislature, he shall make and submit to the Legislature, a report of his acts and doings since the last preceding report, together with such recommendations as he shall deem proper.

Reports

Sec. 10. The provisions of this act shall apply to all expenditures of swamp lands authorized by existing laws.

Expenses, how paid.

Sec. 11. The expenses accruing under the provisions of this act shall be audited and allowed, if found correct, by the Board of Auditors; and thereupon the Auditor General shall draw his warrant upon the Treasurer for such sum or sums of money or moneys as may be so allowed by said board, and the Treasurer

shall pay such warrants out of any money in the treasury belonging to the swamp land fund not otherwise appropriated; and if at any time the swamp land fund becomes exhausted, said expenses shall be paid out of the swamp land interest.

Sec. 12. So much of all existing laws as contravene the provisions of this act, are hereby suspended during such time as the office of swamp land State road commissioner shall remain authorized by law.

Sec. 13. This act shall take immediate effect.

Approved March 21, 1867.

[No. 77.]

AN ACT to provide for the taxation of improvements upon homestead lands as personal property.

SECTION 1. *The People of the State of Michigan enact, That* all improvements made by persons upon lands held by them under the homestead laws of the United States, the fee of which lands is still vested in the United States, and lands the title to which is still vested in the State of Michigan, shall be deemed personal property for the purposes of taxation.

Sec. 2. This act shall take immediate effect.

Approved March 21, 1867.

[No. 78.]

AN ACT to amend section six thousand one hundred and seventy-nine, being section twenty-two, of chapter two hundred and two, of compiled laws, relative to the compensation of inspectors of the State Prison.

SECTION 1. *The People of the State of Michigan enact, That* section six thousand one hundred and seventy-nine, being section twenty-two, of chapter two hundred and two of compiled laws, be amended so as to read as follows:

(6179.) Sec. 22. The inspectors shall be allowed for their services respectively, three dollars for each and every day ^{inspectors pay.}

Mileage. actually and necessarily occupied in inspecting the prison and inquiring into the management thereof; and they shall also be allowed ten cents per mile for the number of miles actually and necessarily traveled in the performance of their duty as inspectors, to be audited by the Auditor General and to be paid on his warrant, out of any moneys in the treasury not otherwise appropriated.

Sec. 2. This act shall take immediate effect.

Approved March 21, 1867.

[No. 79.]

AN ACT to allow defendants in actions in courts of record to make an offer of judgment in certain cases.

Defendants' offer.

SECTION 1. *The People of the State of Michigan enact*, That in any action at law, founded upon contract for the payment of money, in a court of record, the defendant may, at any time before the trial, serve upon the plaintiff an offer, in writing, to allow judgment to be taken against him for the sum in said notice specified, with costs incurred up to the time of serving such offer; if the plaintiff accept the offer, and give notice thereof, in writing, within twenty days, he may file the offer,

Acceptance not given.

with an affidavit of service of notice of acceptance. If the notice of acceptance be not given, the offer is to be deemed withdrawn, and cannot be given in evidence; and if the plaintiff fail to obtain a more favorable judgment, he shall not recover costs, but must pay the defendant's costs from the time of the offer.

Costs.

Another offer.

Sec. 2. In any such action at law, the defendant may, with his plea, serve upon the plaintiff an offer, in writing, that if he fail in his defense, the damage may be assessed at a specified sum; and if the plaintiff signify his acceptance thereof, in writing, with or before the notice of trial, the issue upon the trial shall be whether the defendant is indebted to the plaintiff for the causes stated in the plaintiff's declaration, and the finding of the court or verdict of the jury shall be "for the plain-

Verdict if accepted.

tiff," or "for the defendant;" if such finding or verdict shall be for the plaintiff, he shall be entitled to judgment for the sum mentioned in the said offer and acceptance.

Sec. 3. If the plaintiff do not accept the offer, he shall prove ^{If not accepted.} his damages as if it had not been made, and shall not be permitted to give it in evidence; and if the damages assessed in his favor shall not exceed the sum mentioned in the offer, the defendant shall recover his expenses incurred in consequence of any necessary preparation or defense in respect to the question of damages; such expense shall be ascertained at the ^{Expenses.} trial.

Approved March 22, 1867.

[No. 80.]

AN ACT to amend an act entitled "an act to provide for the incorporation of railroad companies," approved February 12, 1855, being chapter 67, of the compiled laws of 1857, by adding a new section thereto.

SECTION 1. *The People of the State of Michigan enact, That* ^{Act amended.} an act to provide for the incorporation of railroad companies, approved February 12, 1855, being chapter 67, of the compiled laws of 1857, be and the same is hereby amended by adding a new section thereto, to stand as section 66 of said chapter, and to read as follows:

Sec. 66. Whenever any railroad company shall have filed its ^{Authorized to build.} articles of association, as provided in the act to which this act is amendatory, and obtained sufficient subscription to its capital stock, including any municipal aid actually voted in its behalf by virtue of any law of this State, to construct a division of its line of not less than fifteen consecutive miles, at the rate of six thousand dollars per mile, such company shall be authorized to call a meeting of its stockholders, and elect directors of said company, in the manner prescribed in sections four and five of the act to which this act is amendatory, and said directors may proceed to designate a division of not less than fifteen consecu-

May collect
subscriptions.

tive miles of the line of said company for construction; and said company shall have full power and authority to construct, operate and maintain a railroad upon the division of said company's line which may have been thus designated as aforesaid, and for that purpose shall have ample power to assess and enforce collection of its capital stock subscribed by persons residing along or collateral to, or within two miles of either of the termini of such designated division of said company's line, in the manner prescribed by the act to which this act is amendatory, and to receive and avail itself of the benefit of any aid that may have been or may hereafter be voted in its behalf, by virtue of any law of this State, by any municipality along, adjoining or coterminous with such designated division of its line. But such company for the purpose of constructing such designated division, shall not make collections from subscribers not residing along, collateral to or within two miles of either of the termini of such designated portion of such company's line, nor to receive the aid voted or to be voted in its behalf by municipalities not situated along, adjoining or coterminous with such

May not
collect.

Continue to
build.

designated division, except by express agreement. And said company from time to time may continue the construction of its line by designating other divisions of not less than five consecutive miles each, and may construct, operate and maintain a railroad upon such further designated division or divisions in the same manner and with the same rights, privileges and limitations hereinbefore specified: *Provided*, That in case of the construction by such company of a division of its line of road, as hereinbefore provided, it shall not by reason of inability to construct any additional portion of its road, lose or forfeit any of its corporate rights, franchises or privileges: *And provided further*, That all subscribers and aiding municipalities shall be liable according to the terms of their subscriptions or votes, whenever the construction of the entire line of road of said company shall have been entered upon by said company.

Proviso.

Proviso.

Approved March 22, 1867.

[No. 81.]

AN ACT to amend act No. two hundred and forty-four, of the session laws of eighteen hundred and fifty-nine, being an act to amend section eleven, of the act entitled "an act to define the powers and duties of the boards of supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers, approved April eighth, eighteen hundred and fifty-one, and being section three hundred and forty-five of the compiled laws."

SECTION 1. *The People of the State of Michigan enact, That act* Section amended.
number two hundred and forty-four, of the session laws of eighteen hundred and fifty-nine, being an act to amend section eleven, of the act entitled "an act to define the powers and duties of the boards of supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers, approved April 8th, eighteen hundred and fifty-one, and being section three hundred and forty-five of the compiled laws," be amended so as to read as follows:

Sec. 11. The said several boards of supervisors shall have Powers of boards of supervisors
power, and they are hereby authorized, at any meeting thereof, lawfully held—

First. To purchase for the use of the county, any real estate To buy real estate.
necessary for the erection of buildings for the support of the poor of such county, and for a farm to be used in connection therewith.

Second. To purchase any real estate necessary for the site of any court-house, jail, clerk's office, or any other county buildings, in such county.

Third. To fix upon and determine the site [of any] such buildings, if not previously located.

Fourth. To authorize the sale or leasing of any real estate belonging to such county, and to prescribe the mode in which any conveyance thereof be executed.

Fifth. To remove, or designate a new site for any county To fix sites, etc.
buildings required to be at the county seats, when such removal shall not exceed the limits of the village or city at which the county seat is situated, as previously located.

Sixth. To cause to be erected the necessary buildings for poor-houses, jails, clerks' offices, and other county buildings, and to prescribe the time and manner of erecting the same.

Seventh. To borrow or raise by tax upon such county any sums of money necessary for any of the purposes mentioned in this act: *Provided*, That no greater sum than one thousand dollars shall be borrowed or raised by tax in any one year, for the purpose of constructing or repairing public buildings, highways or bridges, unless authorized by a majority of the electors of such county voting therefor, as hereinafter provided.

Eighth. To provide for the payment of any loan made by them, by tax upon such county, which shall in all cases be within fifteen years from the date of such loan.

Ninth. To prescribe and fix the compensation for all services rendered for, and adjust all claims against their respective counties, and the sums so fixed and defined shall be subject to no appeal.

Tenth. To direct and provide for the raising of any money which may be necessary to defray the current expenses and charges of said county, and the necessary charges incident to or arising from the execution of their lawful authority, subject to the limitations prescribed in this act.

Eleventh. To abolish or revive the distinctions between township and county poor.

Twelfth. Shall have power to authorize the making out a new tax roll, to extend and determine by resolution, the time when each collector or township treasurer in their county shall make his return to the county treasurer, but such time shall in no case exceed two months from the time fixed by the general law, and where an extension is had, each collector or township treasurer shall be authorized to levy and collect all taxes, as provided in the general laws for the levy and collection of taxes. But no collector or township treasurer shall receive the benefit of such extension, until he shall have paid over to the county treasurer or other officer or person authorized to receive the same, all moneys collected by him, up to the first day of Feb-

ruary, which may be due, and in all cases interest shall be charged on all taxes so extended, from the time of such extension. Interest on extension.

Thirteenth. To make such laws and regulations as they may deem necessary, and provide for enforcing the same, for the destruction of wild beasts, of thistles and other noxious weeds within the several counties. Laws they can make.

Fourteenth. To require any county officer, whose salary or compensation is paid by the county, to make a report, under oath, to them on any subject or matters connected with the duties of his office, and to require such officer to give bonds, or further or additional bonds, as shall be reasonable or necessary for the faithful performance of their respective duties; and any such officer who shall neglect or refuse to make any such report, or to give such bond within a reasonable time after being so required, may be removed from office by such board by a vote of two-thirds of the members elect, and the office declared vacant; and such board may fill such vacancy for the unexpired portion of the time for which such officer was elected or appointed: *Provided*, That if the spring or fall election shall occur before the expiration of the said unexpired term, if the office be an elective one, the vacancy shall be filled at such election, and it shall be the duty of such board to give reasonable notice of such election to fill the vacancy. Reports and bonds of county officers. Refusal to furnish. Removal. Proviso.

Fifteenth. To authorize any township or townships in their respective counties, by a vote of the electors of said township or townships, to borrow or raise by tax upon such township, any sum of money not exceeding one thousand dollars, in any township in any one year, to build or repair any roads or bridges in such township or townships, or in the use of which such township or townships may be interested, and to prescribe the time for the payment of any such loan, which shall be within ten years, and for assessing the principal and interest thereof upon such township or townships; and if any road or bridge is situated partly in one township and partly in another, or on the line between townships, or in case any township have any particular local interest in the construction or repair of any bridge, To authorize township taxes. Time to pay loan. Proportion of contributions.

How collected. such board of supervisors may determine, under such regulations as they may establish, the relative proportion which each township shall contribute in the building and repairing thereof, and the amount so apportioned to the several townships shall be assessed and collected in the same manner as other township taxes are now assessed and collected by law.

To represent certain counties. *Sixteenth.* To represent their respective counties, and to have the care and management of the property and business of the county in all cases where no other provision shall be made.

To establish certain rules. *Seventeenth.* To establish such rules and regulations in reference to the management of the interest and business concerns of such county, and in reference to the mode of proceeding before such board as they shall deem necessary and proper, in all matters not especially provided for in this act or in some other law of this State.

Approved March 22, 1867.

[No. 82.]

AN ACT to amend certain sections of an act entitled "an act to repeal chapter one hundred and twenty-two, of the revised statutes of eighteen hundred and forty-six, and the amendments thereto, and provide for the collection of demands against water craft," approved February fifth, eighteen hundred and sixty-four.

Section amended. SECTION 1. *The People of the State of Michigan enact, That* section two, of an act entitled "an act to repeal chapter one hundred and twenty-two, of the revised statutes of eighteen hundred and forty-six, and the amendments thereto, and provide for the collection of demands against water craft," approved February fifth, eighteen hundred and sixty-four, be and the same is hereby amended so as to read as follows:

Lien upon. SEC. 2. Every water craft of above five tons burthen, used, or intended to be used, in navigating the waters of this State, shall be subject to a lien thereon—

For certain debts. *First.* For all debts contracted by the owner or part owner, master, clerk, agent or steward of such craft, on account of

supplies and provisions furnished for the use of said water craft; on account of work done, or services rendered, on board of such craft, by seamen, or any employee, other than the master thereof; on account of work done, or services rendered, by any person, in or about the loading or unloading of said water craft; on account of work done, or materials furnished, by mechanics, tradesmen or others, in or about the building, repairing, fitting, furnishing or equipping such craft: *Provided*, That Proviso. when labor shall be performed, or materials furnished as aforesaid, by a sub-contractor, or workman other than an original contractor, and the same is not paid for, said person or persons may give the owner or his agent, or the master or clerk of said craft, timely notice of his or their said claim, and from thenceforth said person or persons shall have a lien upon said craft, *pro rata*, for his or their said claims, to the amount that may be due by said owner, to said original contractor, for work or labor then done on said water craft.

Second. For all sums due for wharfage, anchorage, or dock hire, including the use of dry docks; the lying immediately in front of, or attached to any wharf, dock or pier, within this State, so as to prevent the use of any portion of such wharf, dock or pier, by other water craft, with or without the discharge of freight or passengers across such wharf, dock or pier, after a notice to leave, shall be an evidence of an agreement to pay for such use whatever the same may be worth. For wharfage, etc.

Third. For sums due for bottomry, salvage, towage, lighterage, insurance, labor at pumping out or raising such water craft, and for general average, whether in whole or in part, within this State. For salvage, etc.

Fourth. For all damages arising from the non-performance of any contract of affreightment, or of any contract touching the transportation of persons or property, entered into by the master, owner, agent or consignee of such water craft, where any such contract is to be, or shall have been performed, in whole or in part, within this State. For violation of contracts.

For injuries
through
negligence.

Fifth. For all damages arising from injuries done to persons or property by such water craft, where the same shall have occurred through the negligence or misconduct of the owner, part owner, master, agent or other employee of said water craft, or through the failure on the part of such water craft, to observe any law of the United States relative to the equipment or management of such craft, including injuries to any person, not of the ship's company, from accidents on board said water craft, occurring as aforesaid.

Section
amended.

Sec. 2. That section twenty-seven of said act, be and the same is hereby amended so as to read as follows:

Cases tried
as in courts
of admiral-
ty.

Sec. 27. All cases of general average, salvage and collision, and all cases relating to sailors' wages, or to the employment of seamen, arising under this act, shall be determined upon the trial or hearing and upon appeal, according to the principles established in courts of admiralty and maritime jurisdiction in such cases.

Section
amended.

Sec. 3. That section twenty-nine of said act, be amended so as to read as follows:

Watercraft
not dis-
charged.

Sec. 29. In case the water craft has not been discharged from custody, the judgment or decree shall be in form against the water craft, with an additional order that the same, with the appurtenances, be sold at public vendue, by the sheriff, after notice of the time and place of said sale, published as herein required in cases of seizure, at least ten days before such sale:

Proviso.

Provided, That in case of complaint filed prior to sale, but not in judgment at the time thereof, the judgment or decree shall be the same in form with a clause for payment out of the proceeds of sale; and in case of claims filed against surplus proceeds, the judgment if in favor of claimant, shall in substance affirm the claim to be sustained and direct payment thereof from the surplus proceeds.

Section
amended.

Sec. 4. That section thirty-three of said act, be and the same is hereby amended so as to read as follows:

Distribution
of proceeds
of sale.

Sec. 33. The sum delivered by the sheriff to the clerk as aforesaid, shall be distributed by the court or by the circuit

judge at chambers, upon motion of any party in interest of record, prior to the sale, and due notice to the other parties, and after the following manner:

First. The costs accruing upon all complaints filed before sale, and on which judgment or decree are or may be within twenty days thereafter, rendered in favor of the complainant.

Second. Salvage.

Third. Seaman's wages.

Fourth. All other claims filed prior to sale, and on which decree or judgment may have been or may within twenty days thereafter be rendered in favor of complainant.

Sec. 5. That section forty-two of the said act, be and the same is hereby amended so as to read as follows: Section amended.

Sec. 42. The fees of the clerk and sheriff shall be the same as now provided by law in personal actions in the circuit court, as near as may be, and the court shall have power by general order, to make all needed modifications. The court shall also have power in any particular case to make a further allowance to the sheriff or his deputies, when the circumstances of the case shall require. The sheriff shall receive for the custody of any craft under seventy-five tons, one dollar per day; if over seventy-five tons, one dollar and fifty cents per day. The fees of attorneys to be taxed in favor of the prevailing party, shall be the same as provided in personal actions by the rules of the circuit court. Fees of clerk and sheriff.
Attorneys' fees.

Sec. 6. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Approved March 23, 1867.

[No. 83.]

AN ACT to authorize and require county clerks to record soldiers' discharges.

SECTION 1. *The People of the State of Michigan enact, That* the county clerks of the several counties in this State be and Record books authorized.

are hereby directed to procure, at the expense of the respective counties, suitable books in which to record soldiers' discharges.

Duty of
county
clerk.

Sec. 2. It shall be the duty of each county clerk, on payment to him of the fees hereinafter provided, to enter at large, upon such record book, all soldiers' discharges that may be presented to him for record, and to fully index the same, arranging the names of the soldiers alphabetically: *Provided*, That no such discharges shall be recorded as aforesaid, unless proof of identity of the person named in such discharges shall be made as hereinafter directed.

Proof of
identity.

If person-
ally known.

Sec. 3. To entitle a discharge to be recorded, there shall be attached thereto proof of identity of the person named therein, as follows: If the clerk shall personally know the person presenting such discharge to be the person described therein, he shall make, attach to, and record with such discharge, the following certificate: I, ———, clerk of the county of ———, do hereby certify that I am personally acquainted with ———, and know him to be the identical person named in the discharge presented for record, and recorded herewith; and if the county clerk shall not personally know the person named in said discharge, the same shall not be recorded unless there be made and attached thereto, an affidavit, subscribed and sworn to by two witnesses (citizens of said county,) before the county clerk or some justice of the peace, or notary public of his county, which affidavit shall be in the following form: On this ——— day of ———, A. D. 18—, before me, a ——— in and for said county, personally appeared ——— and ———, citizens of said county, (with whom I hereby certify that I am personally acquainted,) who being by me duly sworn, severally depose and say that they are personally acquainted with ———, who, in their presence, presents his discharge, and know him to be the identical person named in said discharge.

If not per-
sonally
known.

Clerk's fee.

Sec. 4. The county clerk shall receive as his fee for certifying or taking the affidavit as above provided, and making such record

When paid. as hereinbefore required, the sum of fifty cents, to be paid at

the time such discharge, with the certificate or affidavit thereto attached, or written thereon, is received for record.

Sec. 5. Certified copies of such record, under the seal of the circuit court of the county in which such discharge is recorded, shall be received as evidence of the contents of the original discharge, in all cases where such evidence may be required. Sealed certificate of record taken as evidence.

Sec. 6. This act shall take immediate effect.

Approved March 23, 1867.

[No. 84.]

AN ACT to amend section 3, of act No. 173, of session laws of 1863, being an act entitled "an act to amend an act entitled an act to provide for the relief, by counties, of the families of volunteers mustered from this State into the military service of the United States, or of this State," approved May 4th, 1861, and to add certain sections thereto, approved January 17, 1862.

SECTION 1. *The People of the State of Michigan enact*, That section three, act number one hundred and seventy-three, of session laws of eighteen hundred and sixty-three, being an act to amend an act entitled "an act to amend an act entitled an act to provide for the relief, by counties, of the families of volunteers mustered from this State into the military service of the United States, or of this State," approved May fourth, eighteen hundred and sixty-one, and to add certain sections thereto, approved January seventeenth, eighteen hundred and sixty-two, be and the same is hereby amended so as to read as follows: Section amended.

Sec. 3. It shall be the duty of the supervisor of each township, and each supervisor, alderman or other officer representing any city or ward upon the board of supervisors of his county, from time to time, to afford such temporary relief as may be necessary for the support of such family, not exceeding fifteen dollars per month to any one family, and not exceeding, in any case, to any family or person, the actual sum Officials authorized to relieve soldiers families. Amount limited.

Relief to
families of
privates
and others.

Proviso

necessary, in connection with his, her or their other means of support, to relieve such family or person, which support shall be afforded only in the manner prescribed by this act, and in no greater sum than shall be necessary to afford the necessary relief. In case of the decease of any non-commissioned officer, musician or private, while in the service of the United States, or of this State, his family shall be entitled for two years, and no longer, after his decease, to the same measure of relief as his family would be entitled to receive if he had not deceased: *Provided*, That if the widow or minor children of such deceased person, be entitled to receive the pension allowed to widows and children of deceased soldiers, under acts of Congress passed previous to July first, one thousand eight hundred and sixty-six, shall not have received the same, then said family shall be entitled to relief for three years from his decease, unless said pension is sooner obtained.

Sec. 2. This act shall take immediate effect.

Approved March 23, 1867.

[No. 85.]

AN ACT to authorize the cities, townships and incorporated villages, of the State of Michigan, to aid in the construction and maintenance of wagon, gravel, cobble-stone, pounded stone and plank roads.

Proviso

Limit when
raised by
tax.

By loan.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for the several townships, cities and incorporated villages of this State, to aid in the construction and maintenance of any wagon, gravel, cobble-stone, pounded stone or plank road or roads, leading to, from or through any county, township, city or incorporate village granting such aid, or to, from, into or through any adjoining county, township, city or incorporate village: *Provided*, Such aid, when granted by a city, township or incorporated village, shall not exceed one per cent. of the assessed value of the property therein, to any one road, in any one year, when such aid shall be raised by tax, or three per cent. in the aggregate, when raised by loan. The aid by this

act authorized, may be granted, by issuing the bonds or other How granted. securities of such municipality, by borrowing money, or by levying taxes.

Sec. 2. Whenever twenty or more freeholders of any city, Request of freeholders. township or incorporated village, shall make request in writing, addressed to the common council, township board, or village board of trustees, as the case may be, and present the same to the clerk thereof, therein specifying the kind of a road Contents of. proposed to be constructed, the amount of aid to be granted by that city, township or village, the manner of raising the amount, the mode and terms of granting such aid, and terms of any bonds or other securities, if any, to be issued, together with such general description of the road, the construction of which it is proposed to aid, as will advise the people of that city, township or village, of the route and termini thereof, it Notice of meeting. shall be the duty of such clerk to call a meeting of the electors of such municipality, by posting written or printed notices thereof, in the same places as is required by law for annual township, city or charter elections, as the case may be; and also Time of. to post with each of such notices, a copy of the request upon which the meeting was called, and by causing such notice and request to be published in some newspaper published in such municipality, if any there be, and if not, then in some newspaper published in the county, if any there be, in which notice the day of the month for such meeting shall be named, and the hour of ten o'clock in the forenoon. On the day fixed for such Hours for poll's to be opened and closed. meeting, the polls shall be opened at said hour, and be held and conducted as at annual city, township or charter elections, until the hour of four o'clock in the afternoon, and the same officers shall act in receiving, canvassing and certifying the votes given; and the result of the balloting at such meeting, shall be certified, filed and recorded, as is by law required in reference to the results of such annual elections, so far as is applicable. The question submitted to the meeting, shall be The question. the same as contained in the request and call for the meeting, and those who vote in the affirmative, shall vote a ballot on

Form of
ballot.

which is written or printed the words, "aid for constructing road, yes;" and those who vote in the negative, shall vote a ballot on which is written or printed the words, "aid for constructing road, no."

On decision
of majority.

Sec. 3. Whenever it shall be determined by a majority of the qualified electors of any such township, city or village voting at any such meeting, to aid in the construction of a road, it shall be the duty of the supervisor and clerk of the township, the mayor and clerk of the city, and the president and clerk of the incorporated village, as the case may be, to execute bonds or other securities, to borrow money according as shall have

Bonds may
be executed

Tax levied.

been stated in the request for such meeting; or in case a tax was voted to be levied, it shall be the duty of the proper officers of the township, city or village to add such tax to the tax-roll in due season, for collecting the same in the year in which it was ordered to be levied, and as contemplated by said request and vote; and it shall also be the duty of the proper officers to issue such bonds or securities, to pay over moneys borrowed or levied and collected according to and in pursuance of the terms specified and contemplated by such written request and vote, and not otherwise.

How paid.

Tax levied
to pay
bonds and
interest.

Sec. 4. The township board of any township, and the proper officers or board of any city or incorporated village, shall have power, and it shall be their duty, to raise by tax such sum or sums as shall be sufficient, from time to time, to pay principal and interest of any bonds or other obligations of the municipality, issued or created under the provisions of this act, as often as they come due: *Provided*, That no such bonds or other obligations shall be sold for less than par, and such bonds or other obligations shall bear such rate of interest, not exceeding ten per cent., as shall have been named in the request made for such aid.

Provide.

Duty of
clerk.

Sec. 5. It shall be the duty of the clerk, whose duty it is to post, or cause to be posted and published, the notices and copies of the request aforesaid, to make, or procure to be made, affidavits of such posting or publishing, and file the same, to-

gether with the original request for the meeting, in his office, and to record such request and affidavits in the proper records of such township, city or village. In case of the qualified inspectors of election of any city, township or village not attending at the place of holding such poll within one hour from the time fixed for the poll to be opened, those of the electors present may nominate, and *viva voce* appoint, one or more persons to act as inspectors; and thereupon, the person or persons so appointed shall be authorized to discharge the duties of inspectors of election in all things concerning the votes polled at such meeting, and in certifying the result thereof. The certificate of the result of the voting shall state who, if any one, was appointed inspector, and officiated; and such certificate, and the record thereof, shall be evidence of the non-attendance of the qualified inspectors of elections, and of the appointment and authority of the persons so certifying, to act as inspectors.

Absence of
inspectors.

Who shall
act.

Sec. 6. The aid voted, under the provisions of this act, [shall] be expended under the direction of the common council of the city, the board of trustees of the village, or town board of the township voting such aid.

Aid, how
expended.

Sec. 7. This act shall take immediate effect.

Passed the Senate March 14th, 1867, and ordered to take immediate effect. Returned to the Senate March 23d, 1867, without the approval of the Governor, with his objections thereto, and reconsidered. Passed March 23d, 1867, by a vote of two-thirds of all the Senators elect, the objections of the Governor to the contrary notwithstanding.

THOS. H. GLENN,

Secretary Senate.

Passed the House March 21st, 1867, and ordered to take immediate effect. Received again from the Senate March 23d, 1867, with the objections of the Governor thereto, and reconsidered. Passed March 23d, 1867, by a vote of two-thirds of all the members elect, the objections of the Governor to the contrary notwithstanding.

N. B. JONES,

Clerk House Representatives.

[No. 86.]

AN ACT to amend sections one, two, three and four, of chapter one hundred and eighty-seven, being sections five thousand eight hundred and ninety-one, five thousand eight hundred and ninety-two, five thousand eight hundred and ninety-three and five thousand eight hundred and ninety-four, of the compiled laws, relative to lotteries.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That* sections one, two, three and four, of chapter one hundred and sixty, of the revised statutes of eighteen hundred and forty-six, being sections fifty-eight hundred and ninety-one, fifty-eight hundred and ninety-two, fifty-eight hundred and ninety-three and fifty-eight [hundred] and ninety-four, of the compiled laws, be amended so as to read as follows:

Lotteries,
etc.

Sec. 1. Every person who shall set up or promote, within this State, any lottery or gift enterprise for money, or shall dispose of any property real or personal, goods, chattels or merchandise, or valuable thing, by the way of lottery or gift enterprise, and every person who shall aid, either by printing or writing, or shall in any way be concerned in the setting up, managing or drawing of any such lottery or gift enterprise, or who shall in any house, shop or building owned or occupied by him or under his control, knowingly permit the setting up, managing or drawing of any such lottery or gift enterprise, or the sale of any lottery ticket or share of a ticket, or any other writing, certificate, bill, goods, chattels or merchandise, token or other device purporting or intended to entitle the holder or bearer or other person to any prize or gift, or to any share of or interest in any prize or gift to be drawn in any such lottery or gift enterprise, or who shall knowingly suffer money or other property to be raffled for in such house, shop or building, or to be there won by throwing or using dice, or by any other game or course of chance, shall for every such offense be punished by a fine not exceeding two thousand dollars, or by imprisonment in the county jail not more than one year.

Punish-
ment.

Selling lot-
tery tickets,
etc.

Sec. 2. Every person who shall sell either for himself or for any other person, or shall offer for sale, or shall have in his

possession with intent to sell or offer for sale, or to exchange or negotiate, or shall in any wise aid or assist in the selling, negotiating or disposing of a ticket in any such lottery or gift enterprise, or a share of a ticket, or any such writing, certificate, bill, goods or merchandise, token or other device as mentioned in the preceding section, shall be punished for every such ^{Penalty.} offense by a fine not exceeding two thousand dollars, or imprisonment in the county jail not more than one year.

Sec. 3. If any person shall, after being convicted of any ^{Second of-} offense mentioned in either of the two preceding sections, commit the like offense, or any other of the offenses therein mentioned, he shall in addition to the fine provided therefor, be further punished by imprisonment in the State prison not ^{Penalty.} more than three years, or by imprisonment in the county jail not more than one year.

Sec. 4. Every person who shall advertise, print or publish ^{Printing} any lottery ticket, a gift enterprise, or any share in any such ^{lottery} ticket, for sale either by himself or by another person, or who shall set up or exhibit, or shall devise and make for the purpose of being set up and exhibited, any sign, symbol or any emblematic or other representation of a lottery or gift enterprise, or of the drawing thereof, in any way indicating where a lottery ticket or a share thereof, or any such writing, certificate, bill, goods, merchandise or chattels, token or other device before mentioned, may be purchased or obtained, or shall in any way invite or entice, or attempt to entice any other person to purchase or receive the same, he shall be punished for every ^{Penalty.} such offense, act or attempt, by a fine not exceeding one hundred dollars.

Approved March 23, 1867

[No. 87.]

AN ACT making appropriation for the Michigan Asylum for the Insane, for deficiencies for the years eighteen hundred and sixty-five and eighteen hundred and sixty-six.

Appropriations.

SECTION 1. *The People of the State of Michigan enact*, That the sum of twenty-four thousand eight hundred and thirty-nine and thirty-seven one-hundredths dollars, for the payment of arrears or deficit in the income of the Asylum, for the years eighteen hundred and sixty-five and eighteen hundred and sixty-six, be and the same is hereby appropriated out of any moneys in the treasury to the credit of the general fund, and the same shall be passed to the credit of the said Asylum fund on the books of

How drawn

the Auditor General and State Treasurer, and may be drawn by the treasurer of the Asylum of the Insane, upon warrants made by the clerk of the board of trustees of said Asylum, approved by the medical superintendent thereof, and countersigned by the Auditor General.

Sec. 2. This act shall take immediate effect.

Approved March 21, 1867.

[No. 88.]

AN ACT to amend an act entitled "an act to authorize the formation of county and town agricultural societies," approved February twelfth, eighteen hundred and fifty-five.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That sections two, four and five, being sections 1693, 1695 and 1696, of the compiled laws, be and the same are hereby so amended as to read as follows:

Authorized to incorporate.

Sec. 2. Upon filing such articles of association as aforesaid, the persons who shall have signed the same, and their associates and successors, shall thereupon and by virtue of this act, become a body politic and corporate, by the name stated in such articles: *Provided*, No two societies shall assume the same name; and by that name they and their successors shall and may have succession, and shall be persons in law capable

Proviso.

of suing and being sued; and they and their successors may have and use a common seal, which they may alter and change at pleasure; and they and their successors, by their corporate name, shall in law be capable of taking and receiving, purchasing and holding, exempt from taxation, real estate for the purpose of their incorporation, but for no other purpose, to an amount not exceeding the sum of twenty-five thousand dollars in value, if a county or district society, and ten thousand dollars, if a town, village or city society, and of personal estate, for a like purpose, to an amount not exceeding ten thousand dollars, if a county or district society, and five thousand dollars, if a town, village or city society; and they may make all necessary by-laws for the management of such societies, not inconsistent with the laws of this State or of the United States.

May hold real estate exempt from tax.

Limit for county society.

Limit for other societies.

Sec. 4. The officers of said society shall consist of a president, a secretary and a treasurer, who shall be elected annually by the stockholders of said society, and at least five directors, any number of whom shall hold their office for one, two or three years, as may be provided in their articles of association, and shall be elected by the stockholders of said society, at their annual meeting, (except that vacancies, occurring between annual meetings, may be filled by the board;) and said officers shall constitute a board for the management of the concerns of said society, a majority of whom shall be a quorum; and it shall be the duty of said officers to manage the property and concerns of said society as will best promote the interests of agriculture, horticulture and mechanic arts; and they may hold fairs and exhibitions, and may distribute premiums for the best and most meritorious animals or articles exhibited in these several departments, as shall be by their by-laws and regulations provided.

Election of officers and directors.

A majority of the board of a quorum.

Duty of officers.

Sec. 5. There shall be but one county society in any one county of this State, nor shall there be more than one town society in any one town, village or city; but two or more coun-

Limit to No. of societies.

ties, towns, or parts of towns, being contiguous, may join and organize district societies.

Sec. 2. This act shall take immediate effect.

Approved March 23, 1867.

[No. 89.]

AN ACT to amend sections five, ten and twenty-four, of an act entitled "an act to authorize the formation of corporations for mining, smelting or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes," approved February fifth, eighteen hundred and fifty-three, being sections 1803, 1808 and 1822, of the compiled laws.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section five, of an act entitled "an act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver or other ores or minerals, and for other manufacturing purposes," approved February fifth, eighteen hundred and fifty-three, being section 1803, of the compiled laws, be and the same is hereby amended so that the same shall read as follows:

Certified an-
nual report.

(1803.) Sec. 5. Every corporation shall annually in the month of July, make a report, signed by a majority of the board of directors, containing—

First. The amount of capital actually paid in.

Second. The amount invested in real estate.

Third. The amount of their personal estate.

Fourth. The amount of their debts and credits as near as may be.

Where filed.

Fifth. The name of each stockholder and the number of shares held by him at the date of such report; and every such report shall be verified on oath by the officers signing the same, which report shall be filed in the office of the Secretary of State, and with the clerk of the county where the mine is situated, in said month of July; and if any person shall, as to any material facts, knowingly swear or affirm falsely, he shall be deemed

Perjury.

guilty of perjury, and be punished accordingly; and every company organized for mining or smelting purposes, shall within said month of July, file a copy of said report with the clerk of the county where the mine of the company is located; and if the directors of any mining company shall neglect or refuse to make such report, and file the same and the copy thereof, as hereinbefore provided, each of such directors shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars.

Filing another copy of report.

Penalty of neglect.

Sec. 2. Section ten of said act, being section 1808, of the compiled laws, is also hereby amended so that the same shall read as follows:

Section amended.

(1808.) Sec. 10. The directors of every such corporation shall choose one of their number president, and such other officers as their articles of association and by-laws may require, who shall hold their offices one year, or until others are chosen in their stead. The directors for the time being shall have power to fill any vacancy which may happen in their board by death, resignation or otherwise, for the remainder of the current year.

Election of officers.

Term of service.
Filling vacancies.

Sec. 3. Section twenty-four of said act, being section 1822, of the compiled laws, is hereby amended so that the same shall read as follows:

Section amended

(1822.) Sec. 24. If any corporation organized and established under or subject to the provisions of this act, shall willfully violate any of its provisions, and shall thereby become insolvent, the directors ordering or assenting to such violation, shall jointly and severally be liable in an action founded on this statute, for all debts contracted after such violation.

Penalty of violating this act.

Approved March 23, 1867.

[No. 90.]

AN ACT to provide an additional sum for the payment of members and officers of the Legislature for the year one thousand eight hundred and sixty-seven.

Limit of appropriation.

SECTION 1. *The People of the State of Michigan enact*, That in addition to the appropriation heretofore made, there be appropriated, out of any money in the Treasury to the credit of the general fund, a further sum not exceeding seven thousand dollars, for the payment of the members and officers of the Legislature for the year one thousand eight hundred and sixty-seven.

Sec. 2. This act shall take immediate effect.

Approved March 23, 1867.

[No. 91.]

AN ACT to change the name of the Michigan Asylum for the educating the Deaf and Dumb, and the Blind.

Name changed

SECTION 1. *The People of the State of Michigan enact*, That the name of the Michigan Asylum for educating the Deaf and Dumb, and the Blind, be changed to "The Michigan Institution for educating the Deaf and Dumb, and the Blind."

Sec. 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Sec. 3. This act shall take immediate effect.

Approved March 25, 1867.

[No. 92.]

AN ACT to prevent the sale of intoxicating drinks to students and minors, and to prevent their being permitted to play at games of chance where such drinks are sold.

Penalty of offense.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful for any person, by himself, his clerk or agent, to permit any student in attendance at any public or private institution of learning in this State, or any minor to play

at cards, dice, billiards or any game of chance, in any part of any building, in which spirituous liquors or intoxicating drinks are sold; nor shall it be lawful for any person, by himself, his clerk or agent, to sell or give to any student in attendance at any public or private institution of learning in this State, or any minor any spirituous or intoxicating drinks, except when prescribed by a regular physician for medicinal purposes; and any person who shall offend against either of the foregoing provisions of this act, in addition to the penalties now provided by law, shall be deemed to have been guilty of a misdemeanor, and on conviction thereof, shall be fined twenty dollars and the costs of prosecution, and in default of payment thereof, shall be imprisoned in the county jail for sixty days.

Sec. 2. This act shall take immediate effect.

Approved March 25, 1867.

[No. 93.]

AN ACT to amend an act entitled "an act to amend section twenty-six, chapter one hundred and one, of the revised statutes of eighteen hundred and forty-six, being section three thousand and sixty-four of compiled laws, relative to the sale of real estate of deceased persons," approved March fifteenth, eighteen hundred and sixty-one.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section one, of act number one hundred and eighty-four, of the session laws of eighteen hundred and sixty-one, entitled "an act to amend section twenty-six, chapter one hundred and one, of the revised statutes of eighteen hundred and forty-six, being section three thousand and sixty-four of compiled laws, relative to the sale of real estate of deceased persons," be and the same is hereby amended so as to read as follows:

Sec. 26. When a testator shall have given any legacy by a Insufficiency of assets to pay legacy. will, that is effectual, to pass or change real estate, and his goods, chattels, rights and credits, shall be insufficient to pay such legacy, together with his debts and the charges of ad-

Real estate
to be sold.

Case of an
intestate.

ministration, the executor or administrator, with the will annexed, may be licensed to sell his real estate for that purpose, or when a person shall die intestate, and it shall be shown, to the satisfaction of the probate judge having jurisdiction of the case, that it is necessary, or for the interest of the persons interested in the estate of such intestate, to sell the real estate of such intestate persons for the purposes of distribution, the administrator may be licensed to sell the real estate of such person in the same manner, and upon the same terms and conditions as are prescribed in said chapter, in the case of a sale for the payment of debts.

Approved March 25, 1867.

[No. 94.]

AN ACT to amend sections forty-nine hundred and eighty-five and forty-nine hundred and ninety-four of the compiled laws, being sections twelve and twenty-one, of chapter one hundred and fifty, of said laws, and to add certain new sections to said chapter.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections forty-nine hundred and eighty-five (4985) and forty-nine hundred and ninety-four (4994) of the compiled laws, be and the same are hereby amended so as to read as follows:

May recover
possession.

(4985.) Sec. 12. The person entitled to any premises, may recover possession thereof in the manner hereinafter provided, in the following cases:

When held
over contra-
ry to condi-
tions.

1st. When any person shall hold over any lands or tenements after the time for which they are demised or let to him, or to the person under whom he holds, or contrary to the conditions or covenants of any executory contract for the purchase of lands or tenements, or any lease or agreement under which he holds.

When rent
is over due.

2d. When any rent shall have become due on any such lease or agreement, and the tenant or person in possession shall have neglected or refused, for fourteen days after demand of the possession, made in writing, to deliver up possession of the premises or pay the rent so due.

3d. When any person shall continue in possession of any premises sold by virtue of any mortgage or execution after the expiration of the time limited by law for the redemption of such premises. After premises are sold

4th. When any tenant, at will or by sufferance, shall hold over after the determination of his estate by a notice to quit as provided by law. After notice to quit.

(4994.) Sec. 21. No restitution shall be made under the provisions of this chapter, of any lands or tenements of which the party complained of, or his ancestors, or those under whom he holds the premises, shall have been in the quiet possession thereof for three years next before the filing of the complaint, unless his estate therein be ended. Three years prevents restitution.

Sec. 2. That sections sixteen and twenty-six, of the revised statutes of eighteen hundred and forty-six, being sections 4989 and 4999 of compiled laws, be amended so as to read as follows: Sections amended.

(4989.) Sec. 16. Upon the return of such summons, if the same be returned duly served, and the defendant appear, such defendant may plead not guilty to the complaint, or if he neglect or refuse to plead thereto, such officer shall enter such plea for him, and such issue shall be tried and said court shall determine if it is allowed that there is a sum of money due either on rent or as a part or portion of the purchase money of the premises under an executory contract, the amount so due, and shall specify the amount, and judgment shall be rendered and the same proceedings shall be had thereon in all respects, and the costs shall be taxed and collected in the same manner as in cases of forcible entry or detainer, and with the like effect Defendant allowed to plead not guilty. Court to determine amount due and give judgment. Cost, etc., as in forcible entry.

(4999.) Sec. 26. No writ of restitution shall be issued, under the provisions of this chapter, in case it is found by the court that the complainant is entitled to the possession of the premises in consequence of the non-payment of a sum of money, and the defendant shall pay the same, with costs, within five days after final judgment, and in no case until the expiration of five days after the entry of judgment of restitution; and in When writ of restitution shall not be issued.

case of an appeal within that time, no writ of restitution shall issue until such appeal be determined in the circuit court.

Approved March 25, 1867.

[No. 95.]

AN ACT to amend section three thousand one hundred and nineteen, of the compiled laws, so as to make certain equitable interests in lands liable to levy and sale on execution.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section three thousand one hundred and nineteen, of the compiled laws, be and the same is hereby amended so as to read as follows:

Sale on ex-
ecution, of
real estate.

(3119.) Sec. 1. All the real estate of any debtor, including legal and equitable interests in lands acquired by the parties to contracts for the sale and purchase of lands, whether in possession, reversion or remainder, including lands fraudulently conveyed, with intent to defeat, delay or defraud his creditors, and the equities and rights of redemption hereinafter mentioned, shall be subject to the payment of his debts, liabilities and obligations, and may be levied upon and sold on execution as hereinafter provided. And when any sale by virtue of any execution shall become absolute, as hereinafter provided, the purchaser at such sale shall acquire all the rights and interests that the debtor had, in and to the lands so sold, at the time of the levy by virtue of the execution; or if the levy was made by virtue of an attachment, said purchaser shall acquire all the rights and interests that the debtor had in and to the lands so sold at the time of the levy by virtue of said attachment, including in either case the right to enforce specific performance of any contract hereinbefore mentioned, upon performing the conditions thereof, as stipulated therein by said debtor: *Provided*, That this section shall not be construed so as to make liable to levy and sale on execution any amount of land not exceeding the amount now exempted by law from levy and sale on execution, and which would be exempt from levy and sale

Rights of
purchaser.

proviso.

on execution, if owned by the debtor occupying the same. That in case of a levy upon the equitable interest of a judgment debtor, the judgment creditor, may before sale, institute proceedings in aid of said execution, to ascertain and determine the rights and equities of said judgment debtor, in the premises so levied upon, and that in case of a sale of said premises without having ascertained and determined the interest of said judgment debtor in the premises so levied upon and sold, he shall within one year institute proceedings to ascertain and determine the same, and to settle the rights of the parties in interest therein.

Judgment creditor to determine rights of judgment debtor to premises.

Approved March 25, 1867.

[No. 96.]

AN ACT to amend sections eight and thirty-eight, of chapter one hundred and nine, of the revised statutes of eighteen hundred and forty-six, being chapter one hundred and thirty-five of the compiled laws.

SECTION 1. *The People of the State of Michigan enact, That* sections eight and thirty-eight, of chapter one hundred and nine, of the revised statutes of eighteen hundred and forty-six, be amended so as to read as follows:

Section amended.

Sec. 8. When the lien is on the undivided interest or estate of any of the parties, either in a portion or the whole of the premises partitioned, such lien, if partition be made, shall thereafter be transferred, and be a charge only on the premises assigned to such party, and may be enforced against the same as though such lien had originally existed thereupon; but if the person having such lien be made a party to such suit, the court may direct the commissioners appointed to make such partition, to designate and set apart a tract or portion of the premises equal in value to the estate or interest of the party to whose portion the lien is to be transferred, in the tract upon which such lien had before existed; and on the confirmation of the report of such commissioners, such lien shall thereupon be

Transfer of lien on undivided interest.

When commissioners may set apart portion of premises.

Transfer of lien.

Premises to be first charged with costs. Other persons made parties to such proceedings by petition to the court.

transferred to the portion of the premises so designated by the commissioners, with the same effect as is above provided in case the person having such lien is not a party to such suit; the portion of the premises to which the lien is transferred shall be first charged with the just proportion of the costs of the proceedings in preference to said lien; if at any time prior to the confirmation of the report of the commissioners appointed to make such partition, any person had an uncertain or contingent interest in any part of the premises, which has since the filing of the bill become a certain or absolute interest, or who has acquired a title in fee to any part of said premises by virtue of any mortgage or execution sale of any interest thereon, shall apply to the court by petition setting forth his interest in the premises, the court shall thereupon direct that such person be made a party to such proceedings, and shall make such other or further orders and decrees respecting the rights of such person as shall be agreeable to equity.

Complainant to amend his bill before the order for sale.

Sec. 38. Before making any order for the sale of the said premises where creditors or other persons, having specific liens, or purchasers at mortgage, or execution sales of interests, in any part of the premises, shall not have been made parties, the court shall direct the complainant to amend his bill by making parties to the proceedings every person having a specific lien on the undivided interest or estate of any of the parties by mortgage or otherwise, and also persons who have acquired an interest under mortgage or execution sales.

Approved March 25, 1867.

[No. 97.]

AN ACT to amend section one, of an act entitled "an act for the better protection of the public lands, and to punish the cutting and carrying away of timber therefrom," approved February 12, 1857, being section five thousand nine hundred and twenty-seven, of the compiled laws.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That section one, of an act entitled "an act for the better protection of*

the public lands, and to punish the cutting and carrying away of timber therefrom," being section five thousand nine hundred and twenty-seven of the compiled laws, be so amended as to read as follows:

(5927.) SECTION 1. *The People of the State of Michigan enact,* ^{Not to enter on public lands.} That every person not thereto lawfully authorized, who shall willfully and knowingly enter upon, or willfully and knowingly induce or direct any other person to enter upon any of the lands of this State, or any lands held in trust by this State for railroad purposes, or for any purpose whatsoever, and shall ^{Cut or destroy trees.} cut down or destroy, or cause to be cut down or destroyed, any trees standing or growing thereon, if the value of such trees so cut down or destroyed, shall exceed the sum of twenty-five dollars, shall be deemed guilty of felony, and shall be pun- ^{Penalty.} ished by imprisonment at hard labor in the State Prison, not more than five years, or by fine not less than one hundred nor more than two thousand dollars.

Approved March 25, 1867.

[No. 98.]

AN ACT to authorize the several townships of this State to raise money by tax, or to borrow money to build or repair bridges.

SECTION 1. *The People of the State of Michigan enact,* ^{Authorized tax to build bridges} That it shall be lawful for any township in this State to vote for and raise by tax, a sum not exceeding one per cent. of the assessed value of the real and personal estate for the preceding year, for the purpose of building and repairing bridges; and it shall be ^{To borrow money.} lawful for such townships to borrow money for such purposes upon the terms and conditions hereinafter mentioned: ^{Proviso.} *Provided,* The aggregate of such loans shall not exceed three per cent. of the amount of the assessed valuation of the real and personal property: ^{Proviso.} *And further provided,* That no larger sum than one per cent. on the valuation shall be raised in any one year, to pay the interest or principal of such loans.

Notice of
clerk to
voters.

Sec. 2. It shall be the duty of the township clerk, upon the written application of ten legal voters, who are freeholders within such township, to give notice, by a written or printed notice, to be by him posted up in five of the most public places in said township, at least two weeks previous to the annual township meeting, or of a special meeting, of the intention to vote, by ballot, on a tax or loan, in pursuance of the provisions of this act; and at such meeting the question shall be submitted to the voters, and the majority of the voters voting at such elections may determine as to raising a tax or making a loan, for the purposes in the first section of this act mentioned.

Majority to
determine
tax.

Township
bonds at
par value.

Sec. 3. The bonds of the township may be issued by the township board upon such conditions, as to time of payment, but in no case to exceed ten years from date as the legal voters may, by resolution, direct, but shall not be disposed of at a price less than their par value; said bonds to draw interest at a rate not exceeding ten per cent.

With inter-
est.

Voters to
determine
expending
moneys.

Sec. 4. The money raised by tax, or borrowed upon loan, shall be expended on the bridges within such township, under the direction of the commissioner[s] of highways; but the legal voters of each township may, at the time of voting upon such tax or loan, designate any particular bridge or bridges upon which to expend such money so voted or loaned.

Sec. 5. This act shall take immediate effect.

Approved March 25, 1867.

[No. 99.]

AN ACT to amend sections five, nineteen, twenty, twenty-four and twenty-six, of chapter fifty-seven, of the compiled laws.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That sections five, nineteen, twenty, twenty-four and twenty-six, of chapter fifty-seven, of the compiled laws, being an act approved February 12, 1855, relative to burying grounds, be amended so as to read as follows:*

Sec. 5. Any person owning a lot or right of burial in ground controlled by a corporation organized under this act, and having the right to use the same, shall be deemed a stockholder, and shall have the right to vote at all meetings of the stockholders of such corporation, unless in arrears for assessment.

Burial lot holders deemed stockholders.

Sec. 19. Any burying ground corporation heretofore organized under any law of this State, upon complying with the provisions of the preceding section of this act, shall possess all the powers, and be subject to all the restrictions of corporations originally organized under this act; and the owners of lots in any public burying ground in this State may associate together and organize themselves into a corporation under the provisions of this act, whenever a majority of such owners shall take the proceedings provided by sections five, six, seven and eight, and thereafter other owners may become members of such corporation by a vote of the board of officers of the corporation, on application to be admitted to membership. Cities, villages and towns may transfer to any corporation, organized under this act, all rights remaining to them in any public burying ground.

Powers of corporations.

Authorized to organize.

Transfer of rights from cities, etc., to them.

Sec. 20. Any right that may have accrued to any member, stockholders or lot owner of any burial ground corporation, or public burying ground heretofore existing in this State, shall not be affected or impaired by reason of this act.

Act does not impair rights.

Sec. 24. A majority of the stockholders of any corporation organized under this act, present at any regular meeting thereof, shall when necessary, have power to vote an assessment upon the stockholders of such corporation, which assessment shall be made by the board of officers of such corporation, as near as may be, in proportion to the value of the respective lots or rights of burial therein.

A majority of stockholders may vote assessments.

How proportioned.

Sec. 26. Within one month from the time of making any assessment, the clerk of the corporation making the same, shall cause public notice of the same to be given, in such manner as the board of officers shall direct, directing each stockholder to pay his assessment to the treasurer of such corporation within thirty days from the date of such notice; and such assessment

Notice of assessments to stockholders

Assess-
ments per-
sonal liabil-
ity.

shall be, and hereby is declared a personal liability against the person owning such lot or right of burial, and payment thereof may be enforced by action of debt or assumpsit in the name of such corporation.

Approved March 25, 1867.

[No. 100.]

AN ACT making appropriations to meet the current expenses of the State Reform School for the years eighteen hundred and sixty-seven and eighteen hundred and sixty-eight.

Appropriation for 1867

For 1868.

How drawn

SECTION 1. *The People of the State of Michigan enact*, That the sum of twenty-five thousand dollars be and the same is hereby appropriated out of the general fund, to meet the current expenses of the State Reform School for the year eighteen hundred and sixty-seven; and that the further sum of thirty-five thousand dollars be and the same is hereby appropriated out of the general fund, to meet the current expenses of the State Reform School for the year eighteen hundred and sixty-eight; and the said amounts shall be passed to the credit of the State Reform School, as a fund to meet the current expenses of said school, and shall be drawn on the warrant of the Auditor General, who is hereby authorized to draw his warrant on the State Treasurer, on the presentation of the proper vouchers, certified by the Board of Control and the Board of State Auditors, for such sums as the Board of Control shall from time to time direct.

Sec. 2. This act shall take immediate effect.

Approved March 25, 1867.

[No. 101.]

AN ACT to amend section four, of an act entitled "an act to establish graded and high schools," approved February 14th, 1859.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section four, of an act entitled "an act to establish graded and

high schools," approved February 14th, 1859, be amended so as to read as follows:

Sec. 4. The said trustees shall present at each annual meeting, a statement, in writing, of all receipts and expenditures on behalf of the district, for the preceding year, and of all funds then on hand, and an estimate of the amounts necessary to be raised by the district, in addition to the money to be received from the primary school fund and other sources, for the support of the schools in said district for the ensuing year, and for the incidental expenses thereof; and the said district may, at each annual meeting, vote such sums to be raised by tax, upon the taxable property of the district, as may be required to maintain the several schools thereof for the year: *Provided*, It shall not be lawful to vote or raise such tax, or appropriate such money or any portion thereof, when voted and raised, for the support of any school or schools which are connected with or in any manner under the control or direction of any particular church or religious society.

Statement
of receipts
and expend-
itures.

District
votes to tax.

Proviso.

Sec. 2. This act shall take immediate effect.

Approved March 26, 1867.

[No. 102.]

AN ACT to amend section forty-two, of chapter sixty-five, of the revised statutes of eighteen hundred and forty-six, entitled "of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages," being section twenty-seven hundred and sixty-one of the compiled laws, and to add three new sections to said chapter sixty-five, to stand as sections forty-five, forty-six and forty-seven thereof.

SECTION 1. *The People of the State of Michigan enact*, That section forty-two, of chapter sixty-five, of the revised statutes of eighteen hundred and forty-six, being section twenty-seven hundred and sixty-one of the compiled laws, be and hereby is amended so as to read as follows:

Sections
amended.

(2761.) Sec. 42. Any mortgage shall also be discharged upon the record thereof by the register of deeds in whose custody it

Mortgage
may be dis-
charged.

shall be, whenever there shall be presented to him a certificate executed by the mortgagee, his personal representatives or assigns, acknowledged, approved and certified as in this chapter provided, to entitle conveyances or instruments in writing in anywise affecting the title to lands to be recorded, specifying that such mortgage has been paid, or otherwise satisfied or discharged; or upon the presentation to such register of deeds of the certificate of the circuit court for the county, signed by the judge of said court, and under the seal thereof, certifying that it has been made to appear to said court, that said mortgage has been duly paid.

Additional
sections.

Sec. 2. That there be and hereby are added to said chapter sixty-five, three additional sections, to stand as sections forty-five, forty-six and forty-seven, said sections to read as follows:

Mortgagor's
petition to
circuit
court.

Sec. 45. Any person whose lands are encumbered by a mortgage duly recorded, that has been paid and satisfied, may present a petition to the circuit court for the county in which the lands so encumbered are situated, duly verified by the oath of said petitioner, stating the facts in regard to said payment, and also that the present residence or whereabouts of the mortgagee or his assigns, if the same shall have been assigned, is unknown to the said petitioner, and that he has been unable to ascertain the same, after diligent search and inquiry; he shall also set up in said petition, the names of the mortgagor and mortgagee, the date of said mortgage, the liber and page of

If proofs are
satisfacto-
ry, court
delivers
petitioner
an attested
certificate.

the record thereof. Upon the presentation of said petition, the said court may proceed to hear and determine the truth of the matters therein stated, and if it shall be made to appear to said court, either by the production in evidence of the original mortgage, or of the bond, or notes accompanying the same, provided said mortgage was collateral security for the payment of a bond or notes, and proving to the satisfaction of said court that such mortgage, or bond, or notes came into the possession of the said petitioner by payment in full both of the principal and the interest thereon, to the time of such payment, by competent evidence, the court shall make a certificate to that effect, setting

forth therein the names of the witnesses, and the nature of the evidence by which such facts have been made to appear, and a minute thereof shall be entered in the journal of said court, and such certificate, signed by the judge of said court, and attested by the clerk thereof, under the seal of said court, shall be delivered to said petitioner.

Sec. 46. The preceding sections of this chapter, to procure, enforce and obtain the proof and acknowledgment of deeds, shall be, and the same are hereby made applicable to all instruments in writing in anywise affecting the title to lands which are required or authorized to be acknowledged, or acknowledged and recorded.

To what preceding section also applies.

Sec. 47. No deed, mortgage, or other instrument in writing, which by law are required to be acknowledged, affecting the title to lands, or any interest therein, shall be recorded by the register of deeds of any county, unless the same shall be duly witnessed and acknowledged, or proved as provided by this chapter and the amendments thereto.

Requirements before registering deeds

Sec. 3. This act shall take immediate effect.

Approved March 26, 1867.

[No. 103.]

AN ACT to amend section five thousand seven hundred and seventy-four, of the compiled laws, relative to neglect or refusal to pay over moneys collected.

SECTION 1. *The People of the State of Michigan enact, That* section thirty, of chapter one hundred and fifty-four, of the revised statutes of eighteen hundred and forty-six, being section five thousand seven hundred and seventy-four, of the compiled laws, be amended so as to read as follows:

Section amended.

(5774.) Sec. 30. If any attorney at law, solicitor in chancery, or other person holding himself out to the public to perform the services usually performed by attorneys or solicitors, in the management of causes, and the collection of judgments, decrees or other demands, or any register in chancery, clerk of any

Refusal to deliver moneys by attorneys, etc

Penalty

court of record, sheriff, constable, justice of the peace, or any other officer, shall collect or receive in such capacity any money belonging to another, and shall neglect or refuse to pay the same to the person entitled thereto within a reasonable time after demand thereof, the person so neglecting or refusing, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding four times the amount of money so received, or both, at the discretion of the court.

Sec. 4. This act shall take immediate effect.

Approved March 26, 1867.

[No. 104.]

AN ACT to authorize the formation of corporations for manufacturing cheese and other products from milk.

Authority
to organize.

SECTION 1. *The People of the State of Michigan enact*, That corporations for the purpose of manufacturing cheese and other products from milk, with a capital stock of not less than one thousand dollars, may be formed under and in compliance with the provisions of an act entitled "an act to authorize the formation of corporations for mining, smelting or manufacturing iron, copper, mineral coal, silver or other ores or minerals, and for other manufacturing purposes," approved February fifth, eighteen hundred and fifty-three; and every such corporation, and the officers, directors and stockholders thereof, shall have and possess all the rights, and be subject to all the liabilities, conditions and obligations in and by said act, and the acts amendatory thereof, provided and imposed upon corporations formed thereunder, and upon the officers, directors and stockholders thereof, except as herein otherwise provided.

Power to
hold real
estate, etc.

Sec. 2. Every corporation organized pursuant to the provisions and by authority of this act, shall, by its corporate name, have power to acquire, own and hold all such real and personal estate as may be necessary or convenient for the purpose of carrying

on the business of such corporation, and the same, or any part thereof, convey, lease or demise, mortgage, use and dispose of, at pleasure.

Sec. 3. Corporations formed under this act shall be subject to all general laws of this State relating to corporations that may be applicable thereto, and the Legislature may amend or repeal this act at any time.

Sec. 4. This act shall take immediate effect.

Approved March 26, 1867.

[No. 105.]

AN ACT to amend section three thousand five hundred and seventy-one of the compiled laws, being section one hundred and eighteen, of chapter ninety, of the revised statutes of 1846, as amended by an act approved March fourteenth, eighteen hundred and sixty-three, relative to deeds made under a decree in chancery.

SECTION 1. *The People of the State of Michigan enact, That* section three thousand five hundred and seventy-one of the compiled laws, being section one hundred and eighteen, of chapter ninety, of the revised statutes of eighteen hundred and forty-six, as amended by an act approved [March [fourteenth, eighteen hundred and sixty-three, be so amended as to read as follows:

(3571.) Sec. 118. Deeds shall thereupon [be executed by such circuit court commissioner, or other person making such sale, specifying the names of the parties in the suit, the date of the mortgage, when and where recorded, with a description of the premises sold, and the amount bid for the same, which shall vest in the purchaser the same estate that would have vested in the mortgagee if the equity of redemption had been foreclosed, and no other or greater; and such deeds shall be valid as if executed by the mortgagor and mortgagee, and shall be an entire bar against each of them, and against all parties to the suit in which the decree for such sale was made, and against their heirs respectively and all persons claiming under such

The original mortgage to be noted on margin of record.

heirs; and the register of deeds, whenever any such deed shall be entered for record in his office, shall note on the margin of the record of the original mortgage, the book and page of record of the deed herein provided for.

Approved March 26, 1867.

[No. 106.]

AN ACT to provide for the purchase of books for the State library.

Appropriation.

SECTION 1. *The People of the State of Michigan enact*, That the sum of four hundred dollars be and the same is hereby appropriated, out of any money in the State Treasury to the credit of the general fund, not otherwise appropriated, for the purchase of books for the State library.

How drawn.

Sec. 2. The money so appropriated shall be drawn from the State Treasury upon the warrant of the Auditor General, and shall be expended by said Librarian for the purposes aforesaid.

Sec. 3. This act shall take immediate effect.

Approved March 26, 1867.

[No. 107.]

AN ACT to provide temporary additional compensation to the officers of the State Prison for the year commencing December first, A. D. eighteen hundred and sixty-six, and for the year commencing December first, A. D. eighteen hundred and sixty-seven.

Additional salaries.

SECTION 1. *The People of the State of Michigan enact*, That for that part of the year commencing December first, A. D. eighteen hundred and sixty-six, which shall follow the passage of this act, and for the year commencing December first, A. D. eighteen hundred and sixty-seven, the agent of the State Prison shall be paid the sum of two hundred and fifty dollars each year, in addition to the sum now allowed by law, and the deputy keeper shall be paid the sum of four hundred dollars each year, in addition to the sum now allowed by law, and that the clerk

and assistant keepers, shall each be paid the sum of two hundred dollars each year, in addition to the amount now allowed by law, and the chaplain shall be paid the sum of one hundred dollars, in addition to the salary now allowed by law.

Sec. 2. This act shall take immediate effect.

Approved March 26, 1867.

[No. 108.]

AN ACT to amend section one hundred and six, (106,) of chapter ten, being section four hundred and fifty-four (454) of the compiled laws, touching the compensation of county surveyors.

SECTION 1. *The People of the State of Michigan enact, That* ^{Section amended.} section four hundred and fifty-four of the compiled laws, be and the same is hereby amended so as to read as follows:

(454.) Sec. 106. The county surveyors and their deputies ^{Pay of county surveyors.} shall respectively be entitled to receive for their services a compensation not exceeding four dollars per day, including the time of traveling to and from the place of making the survey, and fifty cents for recording each survey, to be paid by the person for whom the services are rendered; and for each plat and certificate, or a copy thereof, fifty cents, to be paid by the person requesting the same.

Sec. 2. This act shall take immediate effect.

Approved March 26, 1867.

[No. 109.]

AN ACT to amend chapter ninety-three, of the revised statutes of eighteen hundred and forty-six, being chapter one hundred and seventeen, of the compiled laws, entitled of courts held by justices of the peace.

SECTION 1. *The People of the State of Michigan enact, That* ^{Act amended.} chapter ninety-three, of the revised statutes of eighteen hundred and forty-six, entitled "of courts held by justices of the

peace," be amended by adding a new section, to stand as section two hundred and seventy, to read as follows:

Attaching
animals,

Cost of
keeping.

Sec. 270. Whenever, in any suit commenced by writ of attachment, any animals shall have been seized by virtue of such writ, and expense shall have been incurred in the keeping thereof, it shall be the duty of the justice of the peace before whom the suit is pending, at the time of the trial thereof, to examine witnesses and take proof offered by the parties as to the expense of the keeping of such animals, from the time of their seizure up to and including the day of trial, and to determine and adjudge the amount of such expense, and to incorporate the same into the judgment, as a part thereof, in case judgment shall be rendered in favor of the plaintiff; and the docket of the justice shall contain an entry of the amount so determined, and execution shall issue upon such judgment as in like cases is otherwise provided.

Approved March 26, 1867.

[No. 110.]

AN ACT to amend section one, of an act approved February eighth, eighteen hundred and fifty-five, relative to qualified voters in school districts, and to repeal section fifteen, of the primary school law.

Act
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one, of an act entitled "an act to extend certain rights and privileges to persons who are tax-payers but not qualified voters in school districts," approved February eighth, eighteen hundred and fifty-five, the same being section (2388) of the compiled laws, is hereby amended to read as follows:

When qualified to vote
and hold
office.

Sec. 1. Every person of the age of twenty-one years, who has property liable to assessment for school taxes in any school district, and has been a resident therein three months preceding any district meeting, shall be a qualified voter in said meeting; and all persons who are entitled by the laws of this State, to vote at township and county elections, and residing in said

district, shall be entitled to vote on all questions arising in said district, when the raising of money by tax is not in question, and all such persons shall be eligible to office in such school district.

Sec. 2. Section fifteen of the primary school law, the same Section repealed being section two thousand two hundred and fifty-eight, of the compiled laws, is hereby repealed.

Approved March 26, 1867.

[No. 111.]

AN ACT to amend section two thousand nine hundred and twenty-three of the compiled laws, relative to the examination of claims against estates by judges of probate.

SECTION 1. *The People of the State of Michigan enact, That* Section amended. article two thousand nine hundred and twenty-three, (section 8,) on page eight hundred and eighty-seven, of the compiled laws, be amended so as to read as follows:

Sec. 8. In all cases where it is competent for the judge of probate to appoint commissioners to receive, examine and When judge of probate may adjust claims himself. adjust claims against estates of deceased persons, or to revive or continue a commission already granted, the judge of probate may if he shall think proper, instead of appointing commissioners or reviving or continuing a commission, appoint a time and place for the examination and adjustment of claims against the estate before himself; and in such case if the object be to hear claims generally, he shall give the same notice of the time and place when he will sit to hear claims, and of the time limited for creditors to present their claims, as is required by law to be given by commissioners; and if the object is to Proceeding in case of particular claims. examine and adjust some particular claim, he shall cause notice of the time and place and object of the hearing to be given to all persons interested, or by publication in such newspaper of the county as he shall designate; and when a hearing shall be Action of judge same as commissioners. thus as aforesaid had before a judge of probate, on filing proof that notice has been given as herein prescribed, the action of

the judge of probate in passing upon and adjusting claims, shall have the same effect upon all claims against the estate as the action of commissioners would have had, if commissioners had been appointed and had acted according to law, and subject to the same provisions in reference to appeal.

Sec. 9. This act shall take immediate effect.

Approved March 26, 1867.

[No. 112.]

AN ACT relative to proof of demands in suit.

SECTION 1. *The People of the State of Michigan enact, That in*

Plaintiff's
affidavit
prima facie
evidence
unless de-
fendant's
affidavit de-
nies the
same. all actions brought in any of the courts of this State, to recover the amount due on an open account, or upon an account stated, if the plaintiff, or some one in his behalf, shall make an affidavit of the amount due, as near as he can estimate the same, over and above all legal set-offs, and annex thereto a copy of said account, and cause the same to be served upon the defendant, with a copy of the declaration filed in the cause, or with the process by which suit is commenced, such affidavit shall be deemed *prima facie* evidence of such indebtedness, unless the defendant, with his plea, shall, by himself or his agent, make and serve a copy of an affidavit denying the same; and if the defendant, in any action, shall give notice, with his plea, of a set-off, founded upon an open account, or upon an account stated, and shall annex to such plea and notice a copy of such account, and an affidavit made by himself or by some one in his behalf, showing the amount or balance claimed by the defendant upon such account, and that such amount or balance is justly owing and due to the defendant, or that he is justly entitled to have such account or said balance thereof set off against the claim made by said plaintiff, and shall serve a copy of such account and affidavit, with a copy of such plea and notice, upon the plaintiff or his attorney, such affidavit shall be deemed *prima facie* evidence of such set-off, and of the plaintiff's liability

Defendant's
affidavit of
a set off
prima facie
evidence
unless plain-
tiff's affida-
vit denies
the same.

thereon, unless the plaintiff, or some one in his behalf, shall within ten days after such service in causes in the circuit court, and before trial in other cases, make an affidavit, denying such account, or some part thereof, and the plaintiff's indebtedness or liability thereon, and serve a copy thereof upon the defendant or his attorney; and in case of the denial of a part of such set-off, the defendant's affidavit shall be deemed to be *prima facie* evidence of such part of the set-off as is not denied by the plaintiff's affidavit. *Prima facie* evidence of part of set off.

Sec. 2. In all trials, hearings and proceedings in any cause or suit in any court, or before any officer, arbitrators or referees, books of accounts, containing charges or entries for money paid, laid out, furnished, or lent, shall be received and admitted as evidence, and deemed to be evidence of such charges and entries, and that such moneys were so paid, laid out, furnished, or lent, as is [in] such books charged or entered, and of the liability of the person charged therefor, in the same manner and to the same extent as books of account, containing charges for goods, wares or merchandise sold and delivered, are received and admitted as evidence of the sale and delivery of such goods and merchandise, and of the liability of the person charged therefor. Entries on account books evidence of money paid

Sec. 3. This act shall take immediate effect.

Approved March 26, 1867.

[No. 113.]

AN ACT to amend section one hundred and twenty-seven, of chapter ninety-three, of the revised statutes of eighteen hundred and forty-six, being section three thousand eight hundred and twenty-seven, of the compiled laws, relating to the return of executions by constables.

SECTION 1. *The People of the State of Michigan enact*, That section one hundred and twenty-seven, of chapter ninety-three, of the revised statutes of eighteen hundred and forty-six, being section three thousand eight hundred and twenty-seven of the Section amended.

compiled laws, be and is hereby amended, so that said section shall read as follows:

Neglect of
constables.

(3827.) Sec. 127. If a constable shall neglect or refuse to return an execution, and pay over the moneys by him collected, within five days after such execution shall have been paid, or shall neglect to levy an execution, or otherwise execute the same according to law, the party in whose favor such execution was issued, or who shall be entitled to such moneys, may maintain an action of assumpsit, in his own name, upon the instrument of security given by such constable and his sureties; and in such suit the amount of the execution, with interest from the time of the rendition of the judgment upon which the same was issued, shall be recovered; and execution shall issue forthwith, and no stay of execution shall be allowed.

Action of
assumpsit.

Amount
with inter-
est shall be
recovered.

Approved March 26, 1867.

[No. 114.]

AN ACT to provide a soldiers' permanent home commission, and to define its duties.

Governor
appoints
commis-
sioners.

SECTION 1. *The People of the State of Michigan enact, That the Governor be and he is hereby authorized to appoint three commissioners, to be denominated the "Soldiers' Permanent Home Commission," who shall hold their office for the term of two years, and he is hereby authorized to fill vacancies that may occur in said commission.*

Duty of the
commis-
sion.

Sec. 2. It shall be the duty of said commission to gather statistics and information as to the number of Michigan soldiers likely to become beneficiaries of a soldiers' home; the most desirable manner of preparing such a home; the probable expense of its preparation and maintenance, apart from any other institution; the best mode of conducting the same, and any and all information pertinent to the subject of the preparation and conduct of a permanent soldiers' home, and report the same with the recommendation, to the Legislature at its next session

Report.

Sec. 3. The commissioners provided for in section one of this act, shall receive their actual expenses, while engaged in the discharge of the duties hereby imposed, and shall receive no compensation for their services; such expense shall be audited and paid by the Governor out of any moneys in his hands belonging to the soldiers' relief fund. Receive no pay for services.
How expenses shall be paid.

Sec. 4. This act shall take immediate effect.

Approved March 26, 1867.

[No. 115.]

AN ACT making appropriations for the Michigan Asylum for the Insane, and to repeal sections two and three, of act number 192, of session laws of 1865, and amending section five, of act number 164, of the laws of 1859.

SECTION 1. *The People of the State of Michigan enact,* That the sum of seventy-one thousand dollars be and is hereby appropriated to the Michigan Asylum for the Insane, for the purpose of erecting, finishing and furnishing the north wing of said Asylum; and that the further sum of ten thousand dollars be and the same is hereby appropriated for the purchase of supplies for said Asylum for the year eighteen hundred and sixty-seven, which said sums may be drawn from the State Treasury by the treasurer of the said Asylum, upon warrants made by the clerk of the board of trustees of said Asylum, approved by said board and countersigned by the Auditor General. Amounts appropriated.
How drawn.

Sec. 2. It shall be the duty of the Auditor General and State Treasurer to transfer from the military fund to the Asylum fund, the entire balance that may be to the credit of said military fund during the year A. D. 1867, and such further sum from the general fund, so that the total amount transferred to the credit of the Asylum fund shall be eighty-one thousand dollars. Transfer from military fund and general fund.

Sec. 3. The further sum of twelve thousand dollars is hereby appropriated for the year eighteen hundred and sixty-eight, for Other amounts appropriated.

the purpose of erecting, furnishing and finishing a chapel and kitchen for said Asylum, which said sums together with the further sums transferred from the general fund, in excess of the military fund, as provided in section 2 of this act, the Auditor General shall add to and incorporate in the State tax for the year eighteen hundred and sixty-seven, and when collected, the said sum of twelve thousand dollars shall be passed to the credit of the Asylum fund, and paid over to the treasurer of the Asylum, as provided in section one of this act.

Amount in-
corporated
in State tax.

Sec. 4. The moneys appropriated by this act and all unexpended balances of previous appropriations, shall be expended by the medical superintendent of the Asylum, under the general direction of the trustees; said moneys shall be disbursed by the treasurer of the Asylum, in the manner prescribed by the by-laws, upon the written order of the steward, countersigned by the medical superintendent.

Quarter
yearly ac-
counts by
clerk, with
vouchers.

Sec. 5. It shall be the duty of the clerk of the board of trustees to render quarter-yearly to the Auditor General, an accurate account of the moneys received and paid out on account of appropriations, and of all payments for construction, furnishing or finishing; such accounts shall be accompanied with duplicate original vouchers for each item of such expenditure; and no money shall be drawn by virtue of this act by said board of trustees, unless they shall have first filed with the Auditor General an estimate and statement showing the purpose for which such money is required, nor shall the Auditor General draw his warrant except for the purposes for which said moneys are appropriated.

Estimates
filed with
Auditor
General.

Sections re-
pealed.

Sec. 6. Sections two and three, of act number one hundred and ninety-two, of "an act making appropriations for the Michigan Asylum for the Insane," approved March 15, 1865, are hereby repealed.

Section
amended.

Sec. 7. Section five, of act number 164, of the session laws of A. D. 1859, is hereby amended so as to read as follows:

Salaries of
officials.

Sec. 5. The trustees shall from time to time determine the annual salaries and allowances of the officers, and such salaries

shall not exceed in the aggregate the sum of five thousand and Aggregate amount. eight hundred dollars for any one year.

Sec. 8. The trustees of the Asylum may in their discretion Assistant physician. appoint, upon the nomination of the medical superintendent, a second assistant physician.

Sec. 9. This act shall take immediate effect.

Approved March 26, 1867.

[No. 116.]

AN ACT to amend chapter one hundred and fifty-four, of the revised statutes of eighteen hundred and forty-six, being chapter one hundred and eighty of the compiled laws, entitled "of offenses against the lives and property of individuals."

SECTION 1. *The People of the State of Michigan enact, That* Act amended. chapter one hundred and fifty-four, of the revised statutes of eighteen hundred and forty-six, be amended by adding thereto a new section, to stand as section number fifty-three, and to read as follows:

Sec. 53. Every person who shall knowingly have in his pos- Possession of burglarious instruments. session, any engine, machine, tool or implement, adapted and designed for cutting through, forcing or breaking open any building, room, vault, safe or other depository, in order to steal therefrom any money or other property, knowing the same to be adapted and designed for the purpose aforesaid, with intent to use or employ the same for the purpose aforesaid, shall be, on Penalty. conviction thereof, punished by imprisonment in the State Prison not more than ten years, or by imprisonment in the county jail not more than one year, or a fine not exceeding one thousand dollars, or both such fine and imprisonment, at the discretion of the court.

Approved March 26, 1867.

[No. 117.]

AN ACT to amend section three, of chapter ninety-three, of the revised statutes of eighteen hundred and forty-six, being section 3926, of the compiled laws, relative to the trials of offenses by justices of the peace.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section three, of chapter ninety-three, of the revised statutes of eighteen hundred and forty-six, being section three thousand nine hundred and twenty-six, of the compiled laws, be and the same is hereby amended, so that said section when amended, shall read as follows:

When cause
shall be
tried.

Sec. 3. On the return of the warrant, with the accused, the said justice shall proceed to hear, try and determine the cause within one week after the return of the same, unless the absence of witnesses from the county without the fault or connivance of the party seeking such continuance shall render such continuance necessary, or unless the sickness of witnesses or of the accused shall render a continuance of such cause necessary; in which case it shall and may be competent for the justice to adjourn or continue the same for such time as may be necessary to secure the ends of justice, not exceeding thirty days in all: *Provided*, That in case of the absence of witnesses the party seeking to obtain a continuance for that cause shall further show to the satisfaction of the court that he has used due diligence to obtain the testimony of such witness.

Causes of
continuance

Proviso.

Approved March 26, 1867.

[No. 118.]

AN ACT making appropriations for the salaries of the State officers for the years eighteen hundred and sixty-seven and eighteen hundred and sixty-eight, and for the pay of the members and officers of the constitutional convention, to be held in the year eighteen hundred and sixty-seven, and the expenses incident thereto.

Appropriation
for 1867

SECTION 1. *The People of the State of Michigan enact*, That there be and the same is hereby appropriated out of any moneys

in the treasury, to the credit of the general fund, not otherwise appropriated, the following sums for the salaries of the State officers for the year eighteen hundred and sixty-seven: For the salary of the Governor, one thousand dollars; for the salaries of the Chief and Associate Justices of the Supreme Court, two thousand five hundred dollars each; for salaries of the judges of the circuit court and the judge of the recorder's court of the city of Detroit, fifteen hundred dollars each; for the salaries of the Auditor General, State Treasurer, Secretary of the State Board of Agriculture, and Superintendent of Public Instruction, one thousand dollars each; for the salaries of the Commissioner of the State Land Office, the Secretary of State and the Attorney General, eight hundred dollars each; for the salary of the State Librarian, six hundred dollars; for the salary of the Deputy State Treasurer, fourteen hundred dollars; for the salary of the Deputy Auditor General, twelve hundred dollars; for the salary of the Deputy Secretary of State, one thousand dollars; for the salaries of the Deputy Superintendent of Public Instruction and of the Deputy Commissioner of the State Land Office, one thousand dollars each; for the salary of the Private Secretary of the Governor six hundred dollars; for the salaries of the book-keeper of the Land Office, the book-keeper of the State Treasurer's office, and the book-keeper of the Auditor General's office, one thousand dollars each; for the salary of the clerk of the Attorney General, six hundred dollars; for the salaries of the four regular clerks of the Auditor General, one thousand dollars each; for the salaries of all other clerks of the Auditor General, not exceeding nine hundred dollars each; for the salaries of such additional clerks in the State Land Office, State Treasurer's Office, office of the Secretary of State and office of Superintendent of Public Instruction, as may be necessary, not exceeding nine hundred dollars each, for the time employed.

Salaries of State officers and their deputies.

Salaries of clerks.

Sec. 2. There be and is hereby appropriated, out of any money in the treasury to the credit of the general fund, not otherwise appropriated, the following sums for the salaries of

Appropriations for 1868.

Salaries of
State off-
icers and
their depu-
ties.

the State officers for the year eighteen hundred and sixty-eight:

For the salary of the Governor, one thousand dollars; for the salaries of the Chief Justice and Associate Justices of the Supreme Court, two thousand five hundred dollars each; for the salaries of the judges of the circuit court, and the judge of the recorder's court of the city of Detroit, fifteen hundred dollars each; for the salaries of the Auditor General, State Treasurer, Secretary of the State Board of Agriculture and Superintendent of Public Instruction, one thousand dollars each; for the salaries of the Commissioner of the State Land Office, the Secretary of State and the Attorney General, eight hundred dollars each; for the salary of the State Librarian, six hundred dollars; for the salary of the Deputy State Treasurer, fourteen hundred dollars; for the salary of the Deputy Auditor General, twelve hundred dollars; for the salary of the Deputy Secretary of State, one thousand dollars; for the salaries of the Deputy Superintendent of Public Instruction and of the Deputy Commissioner of the State Land Office, one thousand dollars each; for the salary of the Private Secretary of the Governor, six hundred dollars; for the salaries of the book-keeper of the State Land Office, the book-keeper of the State Treasurer's office and the book-keeper of the Auditor General's office, one thousand dollars each; for the salary of the clerk of the Attorney General, six hundred dollars; for the salaries of the four regular clerks of the Auditor General, one thousand dollars each; for the salaries of all other clerks of the Auditor General, not exceeding nine hundred dollars each; for the salaries of such additional clerks of the State Land Office, State Treasurer's office, office of the Secretary of State and office of the Superintendent of Public Instruction as may be necessary, not exceeding nine hundred dollars each, for the time employed.

Salaries of
clerks.

Appropriations for
1867.

Salaries.

Sec. 3. That there be and the same is hereby appropriated, out of any money in the treasury to the credit of the general fund, not otherwise appropriated, the following sums, for the salaries of the military officers herein named, for the year eighteen hundred and sixty-seven: For the salary of the Adjutant

General, a sum not exceeding fifteen hundred dollars; for the salary of the Assistant Adjutant General, a sum not exceeding six hundred dollars; for the salary of the Quartermaster General, a sum not exceeding nine hundred dollars; for the salary of the Assistant Quartermaster General, a sum not exceeding six hundred dollars; for the salary of the Inspector General, one hundred and twenty-five dollars, and such further sum as may be necessary to pay his actual necessary traveling expenses.

Sec. 4. That there be and the same is hereby appropriated, Appropriations for 1868. out of any money in the treasury to the credit of the general fund, not otherwise appropriated, the following sums, for the salaries of the military officers herein named, for the year eighteen hundred and sixty-eight: For the salary of the Adjutant General, a sum not exceeding twelve hundred dollars; for the salary of the Quartermaster General, a sum not exceeding six hundred dollars; for the salary of the Inspector General, one hundred and twenty-five dollars, and such further sum as may be necessary to pay his actual and necessary traveling expenses. Salaries.

Sec. 5. There shall be made no further or other compensation, No other compensation allowed pay or allowance, to any or either of the deputies or clerks named in sections one and two of this act, than those therein provided, for any services rendered by them respectively; and the State Treasurer, the Auditor General, Secretary of State and the Commissioner of the Land Office, shall each make or cause to be made, on proper application, and without unnecessary delay, all such searches, maps, drawings, plats, abstracts, statements and certificates, as may be reasonably called for by any person or persons, and shall charge or cause to be charged to and collected from the applicant all such fees for the same, as shall be Duties required of State officers. proper and compensating, and all such fees shall be promptly paid into the State Treasury, together with all fees for notarial services and attestations performed or executed by any officer named in this section, or by his deputy, clerks or employee. Fees to be paid to the State.

Appropriation for pay of Constitutional Convention.

Sec. 6. That there be and the same is hereby appropriated, out of any moneys in the treasury to the credit of the general fund, not otherwise appropriated, for the pay of the members and officers of the Constitutional Convention, to be held in the year eighteen hundred and sixty-seven, and for the expenses incident thereto, and for the promulgation of the constitution framed by such convention and the submission of the same to the people, the sum of eighty thousand dollars.

Sec. 7. This act shall take immediate effect.

Approved March 27, 1867.

[No. 119.]

AN ACT to authorize the Governor of the State of Michigan to seize and procure the condemnation of lands to be used by the United States for light-house purposes.

No. of acres. SECTION 1. *The People of the State of Michigan enact*, That the Governor of the State of Michigan is hereby authorized and empowered to seize and take possession of any land, not exceeding one hundred and sixty acres, within the said State, for the purpose of conveying the same to the United States, for the erection and maintenance of light-houses thereon.

Commissioners appointed to take and convey.

Sec. 2. The Governor shall appoint three commissioners, whose duty it shall be to enter upon and take possession of any land, not exceeding one hundred and sixty acres, within the said State, in the name of said State, for the purpose of conveying the said land to the United States for the erection and maintenance of light-houses thereon, and to cause the same to be surveyed and a plat thereof to be made and filed in the office of the Secretary of State.

Plat to be filed.

Commissioner's appraisal.

Sec. 3. It shall be the duty of said commissioners to appraise the value of said land, and for that purpose they shall give notice to the claimant or owners of said land, or of any interest therein, of the time and place when and where said claimants or owners may appear before said commissioners to have their claims and interest adjusted, and the compensation to be paid by the State for such land, fixed and determined.

Adjustments of owners' claims.

Sec. 4. The notice required to be given to said claimants or owners, shall be given personally to such claimants as can be found within this State, at least twenty days before the meeting of said commissioners, informing them of the time and place of meeting of said commissioners, and the object thereof. And in case any of the said claimants or owners cannot be found, after using due diligence for that purpose, the commissioners shall cause such notice to be published for four successive weeks in one paper published at Detroit, and one paper published within the county where such lands seized as aforesaid are situate, should one be published therein.

Notifying owners.
In the event of not finding owners

Sec. 5. The said commissioners or a majority of them shall have full power to do all acts necessary to be done for the purpose of carrying out the objects of this act; to hear, examine and determine of and concerning the rights, interest and title of all and any of the claimants of said land, and also to assess the value thereof, and fix the compensation to be paid by the State therefor, as fully and effectually as if all the powers necessary for the purposes aforesaid were herein specifically enumerated in this act, and the decision of such commissioners shall be final and conclusive in the premises, unless an appeal from the decision of such commissioners shall be taken within twenty days after the filing thereof in the office of the clerk of the circuit court of the county within which the said land lies, as hereinafter provided.

Power of commissioners.
Their decision to be final.

Sec. 6. It shall be the duty of the commissioners appointed under the provisions of this act, within twenty days after their decision is made, to file the same in the office of the clerk of the circuit court within whose district the said land lies.

Filing of decision.

Sec. 7. The owners or claimants of said land, or of any interest therein, shall be entitled to appeal from the decision of such commissioners, to the circuit court of the county in which the land lies, within twenty days from the filing of the same as aforesaid, and such appeal shall be heard and determined in like manner as appeals from justices of the peace in civil actions: *Provided*, That the appellant or appellants shall

Appeal.
Provide.

Proviso.

make and file in said court, at the time of such appeal, an oath or affirmation that injustice has been done them by such decision: *And provided*, They execute and file with the clerk of the circuit court aforesaid, an undertaking, with sufficient sureties, to be approved by the county clerk, for the payment of all costs and disbursements incurred by the State arising from such appeal, which undertaking shall be in the name of the State of Michigan.

Costs of appeal.

Sec. 8. If upon the trial of such appeal, the appellant or appellants shall fail to recover a judgment for a sum greater than the amount awarded to them by the decision of the commissioners aforesaid, not including interest, the said appellant or appellants shall pay all costs and disbursements arising on such appeal, and which shall be deducted from the sum awarded by the decision of the commissioners; and in case such sum is not less than the amount awarded by said commissioners, then the appellant or appellants shall recover costs as in like cases in the circuit court.

How awards shall be paid.

Sec. 9. The sum awarded by the decision of said commissioners, finally awarded and adjudged by an appeal, to be paid by this State to the owners and claimants of the land aforesaid, shall be paid from the treasury of this State to such owners or claimants, in proportion to their rights and interests in such land, subject however, in case of appeal, to the provisions of section seven of this act.

Title vested in the State.

Sec. 10. Upon the filing of the decision of the commissioners in the office of the clerk of the circuit court aforesaid, and the filing of the certificate of the said clerk, with the seal of the court thereto, in the office of the Secretary of State, stating the amount awarded by such commissioners, and describing the lands seized, the title to such land shall immediately thereupon become vested absolutely in this State, free and clear of all incumbrances and adverse titles or claims of any kind or nature whatsoever.

Pay of commissioners

Sec. 11. The commissioners appointed under the provisions of this act, shall each receive three dollars per day, for each

day actually engaged in the service required of them; and witnesses required to attend before them shall receive the same per diem and mileage as now allowed by law for witnesses attending the circuit court of this State. ^{Of witnesses.}

Sec. 12. The Governor of Michigan is hereby authorized and empowered to convey to the United States any lands that may have been seized under the provisions of this act, upon the payment of the United States to the State of Michigan, the amount awarded and all the expenses incurred by the State in seizing the land. ^{Conveyance made to the United States.}

Sec. 13. This act shall take immediate effect.

Approved March 27, 1867.

[No. 120.]

AN ACT supplementary to an act "entitled an act to provide for the incorporation of railroad companies," approved February twelfth, eighteen hundred and fifty-five.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for any number of persons, not less than ten, to form themselves into a company for constructing, maintaining and operating a railway for public use, in the conveyance of persons and property by means of a propelling rope or cable attached to stationary power; and upon compliance with the provisions of chapter sixty-seven of the compiled laws, and of the acts amendatory thereof, they shall become a body corporate and politic: *Provided*, That the directors may be limited to any number not less than five, to be specified in the articles of association. ^{Formation of company.} ^{Stationary power.} ^{At least five directors.}

Sec. 2. Any such company may style itself by the name of the inventor or patentee of the particular method of propulsion used, together with such local designation as the associates may deem desirable, and shall by such name, set forth in their articles of association, have and enjoy all the powers and privileges, and be subject to the liabilities mentioned in the aforesaid provisions of the compiled laws. ^{Style of company.} ^{Rights and privileges.}

Fare five
cents per
mile.

Sec. 3. Companies formed under the provisions of this act may fix and collect rates of fare on their respective roads, not exceeding five cents per mile, or any fraction of a mile, for each passenger.

Approved March 27, 1867.

[No. 121.]

AN ACT to fix the salaries of certain deputy State officers and clerks.

Salaries of
deputies.

SECTION 1. *The People of the State of Michigan enact, That* the Deputy Secretary of State shall receive an annual salary of one thousand dollars; that the Deputy State Treasurer shall receive an annual salary of fourteen hundred dollars; that the Deputy Auditor General shall receive an annual salary of twelve hundred dollars; that the Deputy Commissioner of the State Land Office shall receive an annual salary of one thousand dollars; that the Deputy Superintendent of Public Instruction shall receive an annual salary of one thousand dollars; that the book-keeper of the State Treasurer's office, the book-keeper of the State Land Office and the book-keeper of the Auditor General's office, shall respectively receive an annual salary of one thousand dollars; that the four regular clerks of the Auditor General shall each receive an annual salary of one thousand dollars; that each of the other clerks of the Auditor General shall receive an annual salary not exceeding nine hundred dollars; and that such other clerks as may be necessarily employed in the office of the State Treasurer, Secretary of State, Commissioner of the State Land Office, and of the Superintendent of Public Instruction, shall each receive an annual salary, not exceeding nine hundred dollars; all of which said salaries shall be payable monthly or quarter-yearly; and there shall be made no further or other compensation, pay or allowance to any or either of the deputies or clerks named in this section, than such as is herein provided, for any services rendered by them respectively.

Book-keep-
ers.

Regular
clerks.

Other clerks

Paid month-
ly or quar-
terly.

Sec. 2. That all acts and parts of acts contravening or con-^{Act re-}
flicting with the provisions of this act are hereby repealed.

Sec. 3. This act shall take immediate effect.

Approved March 27, 1867.

[No. 122.]

AN ACT to tax banking associations organized under the laws
of the United States.

SECTION 1. *The People of the State of Michigan enact, That* ^{Amount of tax}
each bank and banking association organized under the laws of
the United States, doing business in the State of Michigan,
shall pay an annual specific tax to this State of one per cent.
upon the capital stock paid in, of said banks, less the value of
real estate owned by said banks, which tax shall be in lieu of all
other taxes upon said banks, or the shares thereof, held or
owned by individuals, except that the real estate held or owned
by said banks shall be subject to taxation like other real estate.

Sec 2. Said specific tax shall be payable, one-half on the first ^{When pay}
day of April, and one-half on the first day of October, of each ^{able.}
year, to the Treasurer of the State, at Lansing, and shall be ^{How collec}
collected and enforced as other specific taxes are now enforced ^{ted.}
and collected under existing statutes.

Sec. 3. This act shall take immediate effect.

Approved March 27, 1867.

[No. 123.]

AN ACT to regulate telegraph companies and their agents, and
individuals doing telegraph business, not incorporated by
the State of Michigan.

SECTION 1. *The People of the State of Michigan enact, That* ^{Procure license.}
it shall not be lawful for any telegraph company, association
or individual, to transact the business of telegraphing or send-
ing messages by telegraph within this State, without first pro-
curing a certificate of authority or license from the State

Make state-
ment under
oath.

Treasurer of this State; and before obtaining such certificate, such company, association or individual, shall furnish the State Treasurer of this State, annually, in the month of March in each year, with a statement under oath, of the president, treasurer or superintendent of such company, association or individual, which statement shall show—

First. The name and locality of the company or association.

Second. The amount of its capital stock, and how much is paid up on such stock.

Third. The amount of gross receipts on their current business in this State, for the year ending December 31st, next preceding such report.

Taxed two
per cent.

Sec. 2. It shall be a condition precedent to the issuing or the renewal of the annual certificate or license of the State Treasurer, that the company making the statement shall pay into the State Treasury a specific State tax of two per cent. on the gross amount received by said company in this State, for business done therein for the year covered by the report provided for in section one of this act, which said specific State tax may be recovered in any court, at the suit of this State. It shall be the duty of the State Treasurer to give his receipt for all money paid into the State Treasury, under the provisions of this act, and to issue as many copies of the annual certificate or license as may be desired by said company.

Duty of
State Treas-
urer.

Permission
to transact
business.

Sec. 3. Any telegraph company, association, firm, copartnership or individual, complying with the requirements of this act, and receiving the certificate or license from the State Treasurer of this [State, shall be permitted to do business freely in any part of this State.

Violations
of this act.

Sec. 4. Any person or persons violating the provisions of this act, shall, upon conviction thereof in any court of competent jurisdiction, be fined in any sum of not less than ten and not exceeding one hundred dollars, for each and every act, at the

Penalty.

How prose-
cuted

discretion of the court; violations of the provisions of this act may be prosecuted in the name of the people of the State of Michigan, and it shall be the duty of the prosecuting attorney

of each county in this State to prosecute for any violation of the provisions of this act.

Approved March 27, 1867.

[No. 124.]

AN ACT to fix the liability of railroad companies, as common carriers, in certain cases.

SECTION 1. *The People of the State of Michigan enact, That* ^{Liabilities limited only by written contract} no railroad company shall be permitted to change or limit its common law liability as a common carrier, by any contract, or in any other manner, except by a written contract, none of which shall be printed, which shall be signed by the owner or shipper of the goods or property to be carried.

Sec. 2. Nothing in this act shall be so construed as to interfere in any way with the right of railroad companies to collect ^{Right to collect and deliver freight} or deliver freights from and to any of their depots or elsewhere; and said railroad companies shall, under this act, have the right to collect and deliver said property: *Provided, That* ^{no} *additional charge shall be made therefor: Provided further,* ^{Proviso.} *That nothing herein contained shall be so construed as to preclude any owner or shipper of any such goods, freight or property from hauling the same to or from any place or places connected with any railroad, where such property, freight or goods are deliverable.*

Approved March 27, 1867.

[No. 125.]

AN ACT to provide for the payment of the interest on the State debt.

SECTION 1. *The People of the State of Michigan enact, That* ^{Amount of appropriation.} there be and is hereby appropriated out of any money in the treasury to the credit of the general fund, for the year eighteen hundred and sixty-seven, the sum of two hundred and forty-

Balance, if
any.

four thousand nine hundred and five dollars; and for the year eighteen hundred and sixty-eight, the sum of two hundred and twenty-seven thousand four hundred and five dollars, for the payment of interest on the renewal loan, the two million loan and the war loan, for which the faith of the State is pledged, if so much shall be required; if not, the balance shall be and the same is hereby appropriated to the payment, from time to time, of the principal of the war loan, in the manner provided in an act entitled "an act authorizing a war loan," approved May tenth, A. D. eighteen hundred and sixty-one.

Sec. 2. This act shall take immediate effect.

Approved March 27, 1867.

[No. 126.]

AN ACT to amend act number two hundred and thirty-five, of the session laws of eighteen hundred and sixty-three, being an act entitled an act to amend chapter one hundred and fifty, of the revised statutes of eighteen hundred and forty-six, being chapter one hundred and seventy-five, of the compiled laws, entitled "of the fees of certain officers in civil cases."

Act
amended.

SECTION 1. *The People of the State of Michigan enact*, That act number two hundred and thirty-five, of the session laws of eighteen hundred and sixty-three, be amended so as to read as follows:

Fees.

(5643.) Sec. 7. For issuing a summons, warrant or attachment, for a party or witness to attend before him, fifty cents.

Adjourn-
ment on re-
quest.

For adjourning a cause or proceeding assigned for hearing, on request, fifty cents.

Upon cause
shown.

For adjourning a cause or proceeding assigned for hearing, upon cause shown, one dollar.

Motion for
injunction,
etc.

For attending and hearing a motion for an injunction, *habeas corpus*, special motion, or any other matter referred to him, and making his decision and order on the same, when contested, three dollars; if not contested, two dollars.

For taking an account of what is due on every mortgage, and ^{Mortgage and security} the security accompanying the same, if any, and making his report thereof to the court, when contested, six dollars; and when not contested, three dollars.

For drawing every report, and all schedules to be thereto ^{Drawing reports.} annexed, in pursuance of an order of reference to him, (except in case of reference to compute amount due on mortgage,) twenty cents for each folio.

For copies of reports, and all other proceedings furnished, ^{Copies of reports} on request, ten cents for each folio.

For examining into circumstances of sureties, and certifying ^{Examining sureties} his opinion to the court, two dollars.

For appointing any person to appear as next friend for an ^{Appointing next friend} infant, fifty cents.

For inspecting and examining an infant or infants who want ^{Appointing guardians.} guardians appointed, inquiring who are willing to become guardians, and into their competency, the proposed security, and the competency thereof, and certifying the facts to the court, three dollars—whether the same be for one or more infants in the same petition.

For taking depositions of witnesses, twenty cents for each ^{Depositions} folio.

For drawing every advertisement of public notice of the sale ^{Notice of sale.} of property to be sold by him, two dollars.

For attending at the time and place of sale, and adjourning ^{Adjourning sale.} the same, two dollars; and ten cents per mile, travel fees, both ways.

For attending and making the sale, three dollars; and ten ^{Making sale.} cents per mile, travel fees, both ways.

For executing the deed or deeds of real estate sold, two ^{Executing deed.} dollars for each deed necessarily executed.

For making his report of such sale, when required to be ^{Report of sale.} made, and filing the same, fifteen cents for each folio.

For settling the form of a deed to be executed under his ^{Form of deed.} direction by a third person, under a decree or order, one dollar.

- Payment of moneys.** For superintending and certifying the payment of money, when paid under his direction by order, and having the same properly accepted, two dollars; but no fees to be allowed for the payment of money arising from sales to a party in the suit or into court.
- Examining sureties.** For examining into the circumstances and sufficiency of sureties, in every bond of recognizance entered into before him, and approving or rejecting the same, fifty cents.
- Taxing costs.** For taxing every bill of costs, including the bill of the officers of the court, and reporting the amount taxed, if approved, one dollar; if not approved, fifty cents.
- Notices.** For every notice to any party, officer or person, required by law to be given, twenty-five cents.
- Oaths.** For administering an oath, twenty-five cents.
- Certifying exhibits.** For certifying each exhibit shown to a witness, twenty-five cents.
- Signing judgment.** For signing a judgment, twenty-five cents.
- Precepts.** For every precept for a jury, twenty-five cents.
- Taking recognizances.** For taking and reducing to form every recognizance entered into before him, fifty cents.
- Complaint for possession.** For drawing every complaint to obtain possession of premises, fifty cents.
- Order for testimony.** For every order for a commission to take testimony, fifty cents.
- Interrogatories.** For settling and certifying interrogatories to be annexed to a commission, one dollar.
- Examination order.** For every order for the examination of witnesses, conditionally or upon proceedings to perpetuate testimony, fifty cents.
- Taking testimony.** For each day's attendance in taking such testimony, three dollars, and for each folio, ten cents.
- Jury trial.** For presiding and conducting any trial by jury, receiving and entering the verdict or discharging the jury, or trying any issue in special proceedings without a jury, three dollars for each day while necessarily engaged in such trial.
- Filing debtor's petition.** For receiving and filing the petitions and accompanying papers of an insolvent debtor, fifty cents.

For every order, certificate, warrant or appointment of Assignees. assignees in such proceedings, one dollar.

For deciding on the propriety of directing the assignment of the estate of an insolvent debtor, three dollars. Decision on assignment.

For taking the acknowledgment of any conveyance or mortgage of real estate, or other instrument which may be recorded, twenty-five cents for the first person acknowledging, and ten cents for each additional person; and when the execution of any conveyance or mortgage of real estate or other instrument is proven by two witnesses, fifty cents. Acknowledgment of conveyance

For taking surrender of principal in any cause, fifty cents. Surrender of principal.

For committing such principal, fifty cents. Committing same.

For warrant of restitution to put any person or persons in possession of land or premises, one dollar. Warrant of restitution.

For making any order in any cause not herein specified, fifty cents. Other orders.

For all internal revenue stamps necessarily used in any case, he shall be allowed and paid the actual cost of such stamps. Revenue stamps.

When a commissioner is authorized to advertise in a newspaper, property for sale, or for parties to appear before him to prove debts or exhibit claims, he shall be allowed therefor the legal rates of advertising in such papers, what he shall legally pay; and when money is ordered to be put out by a commissioner, and when an estate is sold by a commissioner, under an order on them, the commissioner shall be allowed all necessary disbursements actually paid by him, and such further allowance by way of commission as the court shall direct, after notice thereof to the party to be charged therewith, but this shall not be construed to apply to sales of mortgaged premises. Advertising
Commissioner's pay

When a commissioner shall take an account of an estate, or of any administration thereof, or any account between parties in trade, or shall take any other account, (except upon mortgage,) under decree or order not included in the foregoing provisions, or when extra services shall be rendered by a commissioner in taking or stating an account, the court may make such further allowance beyond the fees herein specified as Additional pay for commissioner.

under the circumstances may be just and reasonable, upon the notice of the party to be charged therewith.

Pay of other
authorized
persons.

When any other person is authorized to perform any of the duties hereinbefore mentioned to be done or performed by a circuit court commissioner, such person shall be entitled to and receive the same fees as are hereinbefore allowed to circuit court commissioners for like services.

No other
pay.

Said commissioner shall have no fees for any services not herein specified.

Section re-
pealed.

Sec. 2. Section four, of said chapter one hundred and fifty, of the revised statutes of eighteen hundred and forty-six, be and the same is hereby repealed.

Approved March 27, 1867.

[No. 127.]

AN ACT to amend section one, of act number two hundred and sixteen, of the session laws of eighteen hundred and sixty-one, entitled an act to provide for the drainage of swamps, marshes and other low lands.

Section
amended

SECTION 1. *The People of the State of Michigan enact, That* section one, of act number two hundred and sixteen, of the session laws of eighteen hundred and sixty-one, entitled an act to provide for the drainage of swamps, marshes and other low lands, be amended so as to read as follows:

Drainage
commis-
sioners.

SECTION 1. *The People of the State of Michigan enact, That* the board of supervisors in any organized county of this State, shall at their annual meeting in the year eighteen hundred and sixty-seven, appoint three discreet freeholders, each of whom shall be an elector and an inhabitant of a different township from the others, to be known as drainage commissioners of such county; one for the term of one year, one for the term of two years, and one for the term of three years, each to hold his office until another shall be appointed in his place and duly qualified; and at their annual session in each year thereafter, the board of supervisors shall appoint one commissioner for

Term of
office.

three years and until his successor is chosen and qualified; such commissioners shall superintend the drainage of such ^{Superintendents.} swamps, marshes and other low lands in their respective counties, and also to clear out the streams when the current is obstructed by falling timbers, according to the provisions of this act as in their judgment affect injuriously the health of the inhabitants; and in case of the neglect or refusal of the board ^{Neglect to appoint commissioners.} of supervisors of any such organized county, so to appoint such commissioners, it shall be obligatory upon them to make such appointment upon the presentation to them of a petition signed by fifty resident freeholders of the county, praying that such commissioners be appointed.

Approved March 27, 1867.

[No. 128.]

AN ACT to amend section three, of an act entitled an act relative to laying out, altering and discontinuing highways, being act number one hundred and sixty-three, of the session laws of eighteen hundred and sixty-one.

SECTION 1. *The People of the State of Michigan enact, That* ^{Section amended.} section three, of act number one hundred and sixty-three, of the session laws of eighteen hundred and sixty-one, be and is hereby amended so as to read as follows:

Sec. 3. The commissioners shall meet at the time appointed, as provided in the last preceding section, and proceed to view ^{Duty of commissioners.} the premises described in said application and notice, and ascertain and determine the necessity of laying out and altering, or discontinuing such highway, and justly and impartially appraise the damage thereon, if any is claimed, and shall, within five days thereafter, make a return of their doings, in writing, signed by them, which return shall state their action in regard to such application, and their award of damages, if any, and to whom payable, if known; and such return shall be filed in ^{Award of damages.} the office of the township clerk, with the application for such highway, and copy of notice attached thereto: *Provided, That* ^{Provide.}

they may adjourn from time to time, in their discretion, not to exceed twenty days from the time of first meeting, and shall make their returns to the township clerk, within five days from the time of last meeting.

Approved March 27, 1867.

[No. 129.]

AN ACT rendering persons disqualified for sitting as jurors in certain cases.

Circuit Court.

If acted as juror within one year.

Discharged.

Juror challenged.

Police Court or inquest.

Over three times within the year.

Discharged.

Juror challenged.

SECTION 1. *The People of the State of Michigan enact*, That no person shall be qualified to be or become one of a panel of jurors, in any circuit court or court of record, in Wayne county, who within one year prior thereto, has been or acted as a member of a panel of jurors, whether summoned on the original panel, or added thereto as talesman, in the same court; and it shall be the duty of the circuit or presiding judge, to discharge any such person if summoned as a juror, who within one year has been a member of a panel of jurors in said court, and it shall be a just cause of challenge to any juror in any cause, over and above all other challenges allowed by law, that he has been within a year a member of a panel of jurors, in said court.

SEC. 2. No person shall be qualified to sit as a juror in any justice or police court of Wayne county, or on an inquest before any coroner, who has already sat as a juror in said justice or police court, or on an inquest before said coroner, more than three times during the calendar year, next preceding the time when he is summoned or offered as a juror on said court, or on said inquest. And it shall be the duty of justices of the peace, and police justices and coroners, to enforce and carry out the provisions of this law, and to discharge any such juror. It shall be a good cause of challenge, over and above all challenges otherwise allowed by law, that any person summoned or offered as a juror, shall have acted as juror in the

same tribunal or court, more than three times during the prior calendar year.

Approved March 27, 1867.

[No. 130.]

AN ACT to amend act number two hundred and fifty, of the session laws of eighteen hundred and sixty-one, and to add a new section thereto, relative to juvenile offenders.

SECTION 1. *The People of the State of Michigan enact, That* Sections amended.
sections one and two, of the act entitled "an act to establish a house of correction for juvenile offenders," approved February tenth, eighteen hundred and fifty-five, which act, as hereby amended, was approved February tenth, eighteen hundred and fifty-seven, which act was approved March sixteenth, eighteen hundred and sixty-one, be and the same is hereby amended so as to read as follows, and to add a new section thereto:

Sec. 1. That sections ten and twelve, of the act to establish a Sections amended.
house of correction for juvenile offenders, approved March sixteenth, eighteen hundred and sixty-one, be and the same is hereby amended so as to read as follows:

Sec. 10. From and after the time when said institution shall Ages of those committed
be ready for the reception of offenders, every male person under the age of sixteen years and over the age of ten years, who shall be convicted before any court or magistrate of competent jurisdiction, for any offense punishable by law, by fine or imprisonment, or both, and who in the opinion of such court or magistrate would be a fit subject for commitment to the reform school, except in case of offenses punishable by law with imprisonment for life, may be sentenced by such court or magistrate to the reform school until he shall reach the age of twenty-one years, or until discharged by law, and such court or Offenders excepted.
magistrate shall certify to the superintendent of said reform Certificate of age.
school the age of all persons so committed, as near as can be ascertained, with the cause of commitment: *Provided, That all* Previous.
judgments and commitments rendered and made under this act

Approved
by circuit
or probate
judge.

by police courts and justices of the peace, shall, upon a reviewal by the proper circuit or probate judge, of the proceedings and testimony taken on the trial, be approved, and that if such sentence be disapproved, such police court or justice is hereby authorized to pass sentence as in other cases punished by law: *Provided further*, That no boy shall be committed for the first offense for larceny of a less sum than five dollars.

Term of
commit-
ment.

Sec. 12. Each and every boy under the age of sixteen years, who shall be legally committed to said school, as provided in the foregoing section, shall be kept disciplined, instructed and employed and governed, under the direction of the board of control of said school, until he either be reformed and discharged, or until he shall have arrived at the age of twenty-one

Boys may
be placed in
families.

years; and it shall be lawful for said board to place in the care of any resident of this State, who is the head of a family and of good moral character, any of the boys of said school, on such conditions and with such stipulations as the board may

Provide.

establish: *Provided*, No boy shall be placed in the care of any

Incorrigible
boys.

person who is engaged in the sale of intoxicating drinks. It shall be the duty of the board of control, and they shall have power to return any boy to the authorities of the county or city from which he shall have been received, who the said board may deem to be an improper subject for their care and management, and who shall be found to be incorrigible, or whose continuance in said school they may deem prejudicial to the management and discipline thereof, or who ought, in their judgment

Reasons of
discharge

for any other cause, to be returned from said school; and in every such case it shall be the duty of said board of control to transmit to the court or magistrate by whom said boy was committed to said school, a statement of the reasons for said dis-

Must be pro-
duced in
court.

charge; and it shall be the duty of the authorities of the city or county to whom said boy shall be returned, to produce said boy before the court or magistrate by whom said boy was tried, convicted and committed, or his successor in office, as soon as

Proceed as
in first in-
stance.

the same can reasonably be done; and such court or magistrate shall have power thereon to make such order and have such

proceedings as would have been legal in the first instance, and would have been made or had in case the boy had not been sent to the reform school; and said board shall have power to return any boy to his parents or other guardians, when they shall have become bound, with sufficient sureties, for the good behavior and care of such boy. ^{Parents may give sureties.}

Sec. 3. Any person other than parents or guardians, who will take and care for any boy as above provided for one year, having faithfully fulfilled all the conditions prescribed to the satisfaction of the board, shall, if the board of control shall have so agreed, be entitled to receive from the fund appropriated for the support of the reform school, fifty dollars: *Provided*, Said boy shall be placed at school at least three months in each year; at the end of two years a like sum, on like conditions; and any boy who is placed in the care of any person as above provided, having remained with said person, and faithfully performed the duties required of him by said board for said two years, and until he shall have arrived at the age of twenty-one years, shall be entitled to receive from any moneys appropriated for the support of said reform school, one hundred dollars. ^{Pay to other persons.} ^{Pay to boy if faithful.}

Sec. 4. This act shall take immediate effect.

Approved March 27, 1867.

[No. 131.]

AN ACT supplementary to an act entitled "an act to establish the Detroit House of Correction, and authorize the confinement of convicted persons therein.

SECTION 1. *The People of the State of Michigan enact, That* hereafter, whenever any female shall, in any court of the State of Michigan, be convicted of any crime or offense, except murder, which would under the existing laws of this State subject her to confinement in the State Prison, that the court by or before whom she shall be so convicted, shall sentence her to confinement in the Detroit House of Correction, instead of ^{Females liable to State Prison to be sent to House of Correction.}

Duty of superintendent.

the State Prison, for such term as the said court shall deem just; and it shall be the duty of the superintendent of said House of Correction to receive and securely keep all females so convicted, sentenced and committed to said House of Correction, until the term of her or their sentence has expired, or until she or they are otherwise duly discharged by law or competent authority.

Commutation of sentence.

Sec. 2. Whenever the sentence of any female now confined in the State Prison shall be by the Governor or other competent authority, commuted to confinement for any period in the Detroit House of Correction, it shall be the duty of the agent of said State Prison to at once transmit such person in proper and safe custody, to the superintendent of said House of Correction, whose duty it shall be to receive and safely keep her in said House of Correction until the expiration of her sentence as commuted, or until she is otherwise discharged by due process of law.

Confinement in House of Correction for non-giving bail to State court.

Sec. 3. Hereafter, when any person found guilty of disorderly conduct or breach of the peace by any court of said State, in any county, having, with the city of Detroit or its duly authorized agent, an agreement such as is specified and provided for in section eight of said act, to which this is amendatory, shall be sentenced to give bail for good behavior, or upon other condition, it shall be competent for the court by or before which such person is convicted, to sentence her or him to confinement in said House of Correction for the non-giving of or until such bail is given, and the superintendent of said House of Correction shall receive and safely keep the person so committed until the term of commitment has expired, or until he is served with a certificate signed by a circuit judge of the circuit in which is included the county where such person was convicted, stating that by giving of bail, or otherwise, the terms of the sentence or commitment of such person have been complied with.

Sentence to House of Correction by U. S. Courts.

Sec. 4. Whenever any court of the United States, in or sitting within the State of Michigan, or any officer thereof, shall order or sentence any person, upon conviction, to be confined in the

Detroit House of Correction for any period of time, or for want of bail, or for any other cause, it shall be the duty of the superintendent to receive such person, and him or her safely and securely keep until the terms of such order or sentence are fully complied with.

Sec. 5. All laws now in force, applicable to persons confined in the State Prison, shall be and are hereby made applicable to all persons who are, or hereafter shall be confined in said House of Correction, who have been transferred to said house from the State Prison, or who shall be sentenced to confinement in said house, on conviction of any offense punishable by confinement in the State Prison.

Laws applicable to persons in House of Correction same as in State Prison

Sec. 6. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Acts repealed.

Sec. 7. At any time after two years from the passage of this act, the Governor of the State of Michigan may, in his discretion, by a certificate under his hand and the seal of the State, filed in the Secretary of State's office, terminate the operation of sections one and two of this act, at a time therein to be stated, a copy of which certificate shall be published in three papers in this State for three weeks prior to the time so stated, and a copy of such certificate shall be sent by the Secretary of State to each judge of a circuit court and to each prosecuting attorney in the State, at least sixty days before the time so stated.

Governor to terminate operations of sections one and two

Approved March 27, 1867.

[No. 132.]

AN ACT to amend section twenty-eight, of the "act to authorize the business of banking," approved February sixteenth, one thousand eight hundred and fifty-seven, being act number one hundred and thirty-five, of the session laws of eighteen hundred and fifty-seven.

SECTION 1. *The People of the State of Michigan enact, That* section twenty-eight, of "an act to authorize the business of banking," approved February sixteenth, one thousand eight hundred and fifty-seven, being act number one hundred and

Section amended

thirty-five, of the session laws of eighteen hundred and fifty-seven, be and is hereby amended so as to read as follows:

Appoint-
ment of
bank note
registers.

Sec. 28. The State Treasurer shall appoint one or more registers, to countersign and register in a book, to be kept for that purpose, all circulating notes issued under the provisions of this act, who shall hold his office during the continuance of said Treasurer in office, unless sooner removed by said Treasurer; and said register or registers shall take the constitutional oath of office, and execute a bond to the people of this State, in the penal sum of ten thousand dollars, with responsible sureties, conditioned for the faithful discharge of his duties as such register under this act, which bond shall be approved by the State Treasurer, and shall be filed with the Secretary of State. Such register shall receive a compensation of five dollars per day, for each day's service he shall perform in the discharge of his duties as such register.

Oath and
bond.

Compensa-
tion.

Approved March 27, 1867.

[No. 133.]

AN ACT to promote the collection of debts, by creditors of railroad companies.

Creditor's
affidavit.

Statements
contained.

Powers at
law.

Persons
made de-
fendants.

SECTION 1. *The People of the State of Michigan enact*, That in all cases where a creditor of a railroad company shall make, or cause to be made, an affidavit, stating that he is a creditor of said company, and that he is in doubt as to the company or persons who are in the actual possession of said railroad, and that he knows or has good reason to believe that a fraudulent transfer of said road, its franchises and other property, has been made to his prejudice as a creditor, he shall be and hereby is authorized, in any suit at law which he may commence in a court of competent jurisdiction for the recovery of his debt, to make all persons and corporations defendants in said suit who might be properly made parties to a bill in chancery, brought by said creditor for discovery, or to set aside any transfer of

said road, its franchises and other property, to any other party or corporation, or to cancel any mortgage, or to set aside any judgment or decree obtained against said railroad company for fraud in the same, upon filing such affidavit and serving a copy thereof with the process, or declaration and notice of rule to plead, by which such suit is commenced. Affidavit to be filed.

Sec. 2. It shall be the duty of such plaintiff, in his declaration, to allege with reasonable certainty the facts upon which he relies for relief in said action, and he may be allowed to amend his declaration the same as in other cases. In case the said defendants, or any of them, fail to appear and plead, his or their default may be entered as in other cases. A plea demanding a trial of the matters set forth in the declaration, shall put in issue every material averment in the declaration. If, in such action, any person shall be made a defendant, from whom no discovery or relief is sought except a disclaimer of any right in the subject matter of the suit, he shall be at liberty to disclaim, as in chancery suits, and with like effect. Facts in declaration. How amended. Non-appearance of defendants. Plea for trial. Liberty to disclaim.

Sec. 3. The court or jury before whom such case may be tried, shall find, if requested by either party, the facts so placed in issue, and the court shall render judgment thereon, as in other cases upon a general or special verdict. In giving judgment in such cases, the court may exercise all the powers of a court of equity, and may enforce its judgment by execution, attachment, sequestration of the property, or by any other means recognized by the courts, either of law or equity. How court shall judge. Court to judge and enforce judgment.

Sec. 5. If the plaintiff, or some one in his behalf, shall file with the register of deeds, in the county where said suit is commenced, a notice thereof with a statement of his demand, and shall annex thereto a copy of the affidavit filed in the cause, he shall thereby acquire a lien upon all the property of said railroad company, whether in the possession of said defendants, their agents or fraudulent assignees, or other persons, and all subsequent transfers, sales and assignments, shall be deemed wholly inoperative and void as against said lien. Plaintiff may acquire a lien. Subsequent transfers void.

By what
name com-
pany may
be sued.

Sec. 6. Any railroad company may be sued by the name in which its business shall be conducted when said suit shall be brought, and it shall not be permitted to deny, by plea or otherwise, that it is a corporation existing under said name.

Possession
by right of
foreclosure.

Sec. 7. If any corporation or persons shall be in possession of the franchise or property of any railroad corporation claiming to be purchasers under the foreclosure of a mortgage upon such franchises or property, they may be made parties under the provisions of the first section of this act, or be cited to appear after the commencement of said suit, by an order from

Are made
parties.

Illegal fore-
closure.

the court before which the cause is pending; and if it shall appear upon the trial of said cause that the foreclosure of the mortgage was fraudulent or illegal, they shall be held as mortgagees in possession, and liable to account in said suit for all the earnings of said road which they have received, after deducting the proper and legitimate expenses of operating said road, and keeping the same in repair, and also the interest accruing upon the said mortgage. The court before whom said cause is pending, may make any proper order for the taking of said account, and if it shall be found on said accounting that there is a balance left in the hands of the corporations or persons so holding under said foreclosure, they may be required by the judgment of said court to pay over the same, or so much thereof as is necessary to satisfy the judgment which the plaintiff may obtain in said suit.

Order of
court for
account.

Balance
goes to sat-
isfy judg-
ment.

Notice to
parties out
of the State

Sec. 8. If any of the corporations or parties heretofore named in this act, as proper parties to said proceedings, shall be without this State, at the time when said proceedings are commenced, notice may be given them by publication, in the same manner and with like effect as is provided for absent defendants in chancery proceedings.

Approved March 27, 1867.

[No. 134.]

AN ACT to amend sections eleven and thirteen, of chapter one hundred and fifty, of the revised statutes of A. D. eighteen hundred and forty-six, the same being sections fifty-six hundred and forty-seven and fifty-six hundred and forty-nine, of the compiled laws.

SECTION 1. *The People of the State of Michigan enact, That* Sections amended.
said sections eleven and thirteen, of the revised statutes of eighteen hundred and forty-six, be so amended as to read as follows:

(5647.) Sec. 11. For serving a summons, writ of replevin, Fees of sheriff.
or any other process by which a suit shall be commenced in a Summons.
court of law, or a subpoena to appear and answer, in chancery, seventy-five cents, when service is made on one defendant only, and for the service on each additional defendant, twenty-five cents.

For traveling in making such service, on the usual traveled Traveling.
route, ten cents per mile for going only, to be computed in all cases from the court-house of the county in which the service is made, or from the place where the court has usually been held therein.

For taking a bond of a plaintiff in replevin, or taking a bond Taking bond
on the arrest of a defendant, or in any other case, where he is authorized to take the same, fifty cents.

For a certified copy of such bond when requested, twenty-five Copy of bond.
cents.

For a note of every capias delivered to a defendant on re- Notice of capias.
quest, six cents.

For a copy of every summons, *scire facias*, or declaration Copy of summons.
served by him, when made by the sheriff, six cents for each folio.

For a copy of every other writ, when demanded or required or writ.
by law, twenty-five cents.

For serving an attachment for the payment of money, or an Serving attachment.
execution for the payment of money, or a warrant issued for the same purpose, and delivered to him by the county treasurer or

any supervisor, for collecting the sum of two hundred and fifty dollars or less, two and a half per cent., and for any sum more than two hundred and fifty dollars, one and one-quarter per cent.

Advertising sales. Advertising goods or chattels, lands or tenements, for sale, on any execution, if a sale be made, one dollar; and if the execution be stayed or settled, after advertising and before sale, fifty cents.

The fees allowed by law and paid to any printer by such sheriff, for publishing an advertisement of the sale of real estate for not more than six weeks, and for publishing the postponement of any such sale, the expense shall be paid by the party requiring the same.

Execution. The fees herein allowed for the service of an execution, and for advertising thereon, shall be collected by virtue of such execution in the same manner as the sum therein directed to be levied.

Several executions. But when there shall be several executions against the defendant, at the time of advertising his property, in the hands of the same sheriff, there shall be but one advertising fee charged on the whole, and the sheriff shall elect upon which execution he will receive the same.

Certificate of sale. For every certificate on the sale of real estate, fifty cents; and for each copy thereof, twenty-five cents; which, together with the register's fee for filing the same, shall be collected as other fees on execution.

Executing deed. For drawing and executing a deed, pursuant to a sale of real estate, one dollar, and whatever sums may be necessarily paid by such officer for United States revenue stamps for such deed, to be paid by the grantee in such deed.

Writ of possession, etc. Serving a writ of possession or of restitution, putting any person entitled into the possession of premises, and removing the occupant, one dollar, and the same compensation for traveling as is herein allowed on other writs.

Bond. Taking a bond for the liberties of the jail, fifty cents.

Summoning a jury upon a writ of inquiry, attending such jury, and making and returning the inquisition, one dollar and fifty cents. Summoning jury.

Summoning a special jury struck pursuant to an order of the court, and returning the panel, one dollar and fifty cents. Special jury.

Summoning a jury pursuant to any precept or summons of any officer, in any special proceeding, one dollar; and for attending such jury when required, fifty cents.

Bringing up a prisoner upon *habeas corpus*, to testify or answer in any court, one dollar; and for traveling each mile from the jail, thirteen cents. Habeas corpus, to testify.

For attending any court with such prisoner, one dollar per day, besides actual necessary expenses. Attending with prisoner.

Bringing up a prisoner upon a *habeas corpus*, with the cause of his arrest and detention, one dollar; and for traveling, thirteen cents for each mile from the jail. Habeas corpus, with cause.

Attending before any officer with a prisoner, for the purpose of having him surrendered in exoneration of his bail, or attending to receive a prisoner so surrendered, who was not committed at the time, and receiving such prisoner into his custody, in either case, one dollar. Surrender of prisoner.

Attending a view, when ordered by the court, one dollar and fifty cents per day, including the time occupied in going and returning. Attending view.

Serving an attachment upon any ship, boat or vessel, in proceedings to enforce any lien thereon created by law, seventy-five cents, with such additional compensation for his trouble and expenses in taking possession of and preserving the same, as the officer issuing the warrant shall certify to be reasonable. Attaching ship, etc.

For making and returning an inventory and appraisal to the appraisers, one dollar for each day actually employed, and fifty cents for each half day; and for drafting the inventory, twenty-five cents for each folio; and for copying the same, six cents for each folio. Appraisal.

For selling any ship, boat or vessel, or the tackle, apparel Selling ship

and furniture thereof so attached, and for advertising such sale, the same fees as for sales on execution.

Notice of election. For giving notice of a general or special election to the inspectors of the different townships and wards of his county, fifty cents for each township or ward, and the expenses of publishing such notice as required by law; such fees and expenses to be paid by the county, as other contingent expenses thereof.

Constable. For any services which may be rendered by a constable, the same fees as are allowed by law for such services to a constable.

Supreme Court. For attending the Supreme Court, one dollar and fifty cents for each day, to be allowed by the Auditor General on the certificate of the clerk, and paid out of the State Treasury.

Circuit Court. For attending a circuit court, one dollar and fifty cents for each day, to be allowed and paid by the county in the same manner as other contingent charges of the county.

Summoning jurors. For summoning grand or petit jurors to attend the circuit court, fifty cents for each juror summoned.

Serving subpoena. Serving a subpoena for witnesses, fifteen cents for each witness summoned, and ten cents for each mile actually traveled in going only; but when two or more witnesses live in the same direction, traveling fees shall be charged only from the farthest.

Debtor's bond. Keeping and providing for a debtor in jail, in all cases where the debtor is unable to support himself, fifty cents for each day, to be paid by the creditor each week in advance, and which sum the creditor shall be entitled to recover from the debtor.

Mileage on execution. For mileage on every execution collected, ten cents per mile for going only, to be computed from the court house of his county.

Sale on foreclosure. For selling lands on the foreclosure of a mortgage by advertisement, and executing a deed to the purchaser, and for all services required on such sale, three dollars.

Penalty for overcharge. And any sheriff, or other officer, who shall demand or receive any greater fees or compensation for performing any of the services hereinbefore mentioned, than is hereinbefore allowed, shall, in addition to all other liabilities now provided by law,

be liable to the party injured, or paying such illegal fees, in three times the amount so demanded, received or paid, together with all costs of suit or prosecution; and any sheriff, or other officer, neglecting or refusing to perform any of the services ^{Pena'ty of neglect.} required by this act, after the fees specified have been tendered, shall be liable to the party injured, for all damages which he may sustain by reason of such neglect or refusal.

(5649.) Sec. 13. For serving a warrant, fifty cents; for Constables. serving a summons, twenty-five cents.

For a copy of every summons delivered on request, or left at the dwelling of the defendant, in his absence, ten cents. ^{Copy of summons.}

For serving an attachment or writ of replevin, seventy-five cents; and for a copy thereof, and of the inventory of the property seized, twenty-five cents. ^{Serving writ.}

For serving a subpoena, fifteen cents for service upon each witness summoned by him. ^{Subpoena.}

For serving an execution on the body, or goods and chattels of the defendant, fifty cents. ^{Execution.}

Committing a defendant to prison on execution, fifty cents. ^{Committal.}

For traveling in the service of process, ten cents for each mile necessarily traveled from the place of service to the place of return. ^{Mileage.}

Summoning a jury, seventy-five cents.

Attending upon a jury, fifty cents.

For collecting and paying over money on executions, four per cent. upon all sums not exceeding two hundred dollars, and for all sums over that amount, two per cent. ^{Moneys.}

Advertising sale of property, fifty cents.

Selling property, fifty cents.

For attending a circuit court at the request of the sheriff, one dollar and fifty cents for each day, to be paid out of the county treasury. ^{Circuit Court}

Approved March 27, 1867.

[No. 135.]

AN ACT for the incorporation of industrial and other charitable schools.

How incor-
porated.

SECTION 1. *The People of the State of Michigan enact, That any three or more persons, who may desire to become incorporated for the purpose of maintaining industrial schools for the relief and instruction of the children of the poor, or the maintenance of homes for vagrant and friendless children, or the instruction of children generally in the various mechanical trades or other avocations of life, or for the purpose of one or all of these objects united, may execute, under their hands, and acknowledge before some person within this State, authorized to take the acknowledgment of deeds, one or more duplicate articles of agreement, as hereinafter specified, one copy whereof shall be filed and recorded in the office of the Secretary of State, and a second shall be made of such articles, or a certified copy thereof, in the clerk's office of the county or counties in this State, in which the office of said association for the transaction of business may be located; and upon the execution and acknowledgment of such articles, the signers thereof, and those who may thereafter become associated with them, shall become a body politic and corporate, for the purpose or purposes set forth in said articles.*

Articles of
association
Contents.

Sec. 2. The articles of this association shall contain—

First. The names of the persons associating in the first instances, with their places of residence;

Second. The name of such corporation, and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years;

Third. The objects for which it is organized, which shall be stated with convenient certainty, and expressly;

Fourth. The number of its trustees and regular officers, and the time and place of holding its annual meeting;

Fifth. The terms and conditions of membership therein.

Sec. 3. The affairs of such corporation shall be managed by No. of trustees. not less than five nor more than twenty trustees, to be chosen by the members thereof, and to hold office for one year, and until their successors be chosen; and the regular officers thereof, except the treasurer and secretary, shall form a part of said trustees, and the treasurer and secretary shall be chosen from said trustees. The officers may be chosen by said trustees, or How officers are chosen. by the members of such corporation, as the articles shall prescribe. The by-laws of such corporation shall be adopted by such trustees, who may change them at their pleasure. A Majority of trustees a quorum. majority of the trustees shall be a quorum to transact business, and all of such trustees shall be citizens of the United States, and residents of the State of Michigan.

Sec. 4. No such corporation shall have power to take and Power to hold real estate. hold any real estate, except such as may be necessary. for any schools, shops or other buildings under its control, or for the transaction of its business and carrying out of its purposes, for a longer period than ten years.

Sec. 5. All the funds received by any such corporation shall How funds are to be used. be used in the first instance, or shall be invested, and the income thereof used (after paying necessary expenses) for the exclusive purpose or purposes set forth in the articles of association; and no portion thereof shall be used for any such purpose or purposes, except within this State, and no portion of the funds of any such corporation shall be used or contributed towards the erection, completion or furnishing of any building not owned or used by such corporation. Such corporation Amount of property limited. may take by gift, purchase or devise, property to an amount, not exceeding one hundred thousand dollars, and it shall be How invested. lawful to invest the same upon mortgage, or in city, county, State or government securities, but no loan of its funds shall be made to any trustee or officer of such corporation: Provided. *Provided*, That any such corporation may, in its articles of association, specify the kind of securities in which its funds shall be invested and that no part of its funds shall be invested in any securities other than those named in its articles, or where the securities

Investments. shall not be specified in its articles of association, then such funds shall only be invested in such securities as are specified in this act.

To report under oath. Sec. 6. Any corporation formed under this act shall, whenever required by the Attorney General or by the Legislature, report a full statement of all its affairs, under the oath of at least two of its trustees; and for any neglect to furnish such report when required, all of the trustees so neglecting shall be liable to a penalty of fifty dollars each, to be recovered by action of debt in the name of the people of the State of Michigan.

Penalty of neglect.

Approved March 27, 1867.

[No. 136.]

AN ACT relating to the planting of trees or shrubs in the highway, being a bill to amend section (1111,) eleven hundred and eleven, being section two, of chapter twenty-five, of the compiled laws, and to add two new sections thereto.

Section amended

SECTION 1. *The People of the State of Michigan enact, That* section two, of chapter twenty-five, of compiled laws, be amended so as to read as follows:

Permission to plant.

(1111.) Sec. 2. Any person or persons owning or occupying land adjoining any highway not less than three rods wide, may plant or set out trees or shrubs on each side of said highway contiguous to his land, which trees or shrubs shall be set in regular rows, at a distance not less than six feet from each other, and within eight feet of the margin of the highway:

Distance.

Proviso.

Provided, That in incorporated villages or cities the common council of such cities or villages may fix and determine the distance that such trees shall be set from the margin of the highways therein; and any such person owning or occupying land contiguous to any highway, and who is assessed any highway or poll tax, may cause to be paid of such tax a sum not exceeding twenty-five per cent. for any year, by planting trees or shrubs in the margin of the highway, in a space not exceeding eight feet in width from the margin of the highway, which

Amount of tax allowed for planting

sum, when so paid, shall be credited upon his highway or poll tax for that year; and any overseer of the highway may cause a portion, not exceeding ten per cent. of the highway tax in his road district, to be expended in setting out trees or shrubs in a space not exceeding eight feet in width from the margin of the highway.

Overseer of highway may plant trees.

Sec. 2. Any person who shall (except as hereinafter provided) willfully injure, deface, tear or destroy any tree or shrub thus planted along the margin of the highway, or purposely left there for shade or ornament, shall forfeit a sum not less than five nor more than one hundred dollars for each offense, which sum may be recovered in any court of competent jurisdiction: *Provided*, That whenever it shall appear to the board of commissioners for highways in any town in this State, that any shade or ornamental trees or shrubs are an obstruction or an injury to any highway, said trees or shrubs may be cut down and removed, by order of the aforesaid board of commissioners of highways.

Penalty for injuring trees.

Proviso.

Sec. 3. Any person who shall negligently or carelessly suffer any horse or other beast driven by or for him, or any beast belonging to him, and lawfully in the highway, to break down, destroy or injure any tree or shrub not his own, standing for use or ornament in any highway, or negligently or willfully, by any other means, shall break down, destroy or injure any such tree or shrub, shall be subject to an action for damages in a sum not less than one nor more than twenty-five dollars for each offense, to be recovered at the suit of the owner or tenant of the land in front of which such tree or shrub stands, or of the overseer of the highway in whose road district such tree or shrub may be situated.

Penalty for suffering animals to injure trees.

[Sec. 4. This act shall take immediate effect.]

Approved March 27, 1867.

[No. 137.]

AN ACT in relation to commercial paper.

Notice of
protest
to persons
in same
city, town,
etc.

SECTION 1. *The People of the State of Michigan enact*, Whenever the endorser or endorsers of any promissory note, or the drawer or endorser of any check, draft, or bill of exchange, shall reside or have a place of business, or upon information obtained by diligent inquiry, shall be reported to reside or have a place of business in the same city, village, or township where such promissory note, draft, check, or bill of exchange is made payable, or may be legally presented for payment or acceptance, all notices of the non-payment or non-acceptance thereof may be served by depositing such notices, with the postage pre-paid, in the post office in the city, township or village where such promissory note, draft, check, or bill of exchange is made payable, or may be legally presented for payment or acceptance, properly directed to such drawer or endorser at such city, village, or township; and whenever any promissory note, check, or draft shall not be made payable at any place, notices of non-payment or non-acceptance may be served by depositing the same in a post office, pre-paid, directed to the drawer or endorser at his reputed place of post office delivery, such reputed place of business, residence, or post office delivery to be ascertained by the best information that can be obtained by diligent inquiry therefor.

To persons
out of city.

Checks, etc.,
drawn upon
banks due
without
grace.

Sec. 2. All checks, bills of exchange or drafts, appearing on their face to have been drawn upon any bank, or upon any banking association or individual banker, carrying on banking business under the act to authorize the business of banking which are on their face payable on any specified day, or in any number of days after the date or sight thereof, shall be deemed due and payable on the day mentioned for the payment of the same, without any days of grace being allowed, and it shall not be necessary to protest the same for non-acceptance.

No protest
necessary.

Sec. 3. This act shall not apply to any bills of exchange, checks, drafts or promissory notes, bearing date prior to the first day of May, eighteen hundred and sixty-seven.

Sec. 4. All acts and parts of acts now in force and inconsistent with the provisions of this act are hereby repealed.

Sec. 5. This act shall take effect May twelfth, eighteen hundred and sixty-seven.

Approved March 27, 1867.

[No. 138.]

AN ACT to amend section one, of chapter seventy, of the revised statutes of eighteen hundred and forty-six, being section two thousand eight hundred and seventy-seven, of chapter ninety-four, of the compiled laws, entitled "of the administration and distribution of estates of deceased persons."

SECTION 1. *The People of the State of Michigan enact*, That section one, of chapter seventy, of the revised statutes of eighteen hundred and forty-six, being section two thousand eight hundred and seventy-seven, of chapter ninety-four, of the compiled laws, be and the same is hereby amended so as to read as follows:

Sec. 1. When any person shall die possessed of any personal estate, or of any right or interest therein not lawfully disposed of by his last will, the same shall be applied and distributed as follows:

Section amended.

Personal property not disposed of by will

1. The widow, if any, shall be allowed all her articles of apparel and ornaments, and all wearing apparel and ornaments of the deceased, and the household furniture of the deceased, not exceeding in value two hundred and fifty dollars, and other personal property to be selected by her, not exceeding in value two hundred dollars, and the allowance shall be made as well when the widow waives the provision made for her in the will of her husband as when he dies intestate.

Widow's allowance.

2. The widow and children constituting the family of the deceased, shall have such reasonable allowance out of the personal estate as the probate court shall judge necessary for their maintenance during the progress of the settlement of the estate, according to their circumstances, which, in case of an insolvent estate, shall not be longer than one year after granting admin-

Allowance to widow and children during settlement.

istration, nor for any time after the dower and personal estate shall be assigned to the widow.

To certain children under ten years.

3. When a person shall die leaving children under ten years of age, having no mother, or when the mother shall die before the children shall arrive at the age of ten years, an allowance shall be made for the necessary maintenance of such children until they shall arrive at the age of ten years, out of such part of the personal estate and the income of the real estate, as would have been assigned to the mother if she had been living.

Where value does not exceed \$150.

4. If on return of the inventory of any intestate estate, it shall appear that the value of the whole estate does not exceed the sum of one hundred and fifty dollars, over and above the allowance above provided, the probate court may by a decree for that purpose, assign for the use and support of the widow and children of such intestate, or for the support of the children under the age of ten years, if there be no widow, the whole of such estate, after the payment of the funeral charges and expenses of administration.

Where it does.

5. If the personal estate shall amount to more than one hundred and fifty dollars, and more than the allowances mentioned in the preceding subdivision of this section, the same shall be applied to the payment of the debts of the deceased, with the charges of his funeral and of settling his estate.

Distribution of residue.

6. The residue, if any, of the personal estate, shall be distributed as follows: One-third thereof to the widow of the deceased, and the remaining two-thirds to his children or the issue of any deceased child or children, if any there be, except that if there be but one child, or the issue of such child living, then to the widow one-half of such residue, and such child or the issue thereof, the other half; in case the deceased shall leave a widow and no children, or the issue of a deceased child, him surviving, then such residue, if it shall not exceed the sum of one thousand dollars, shall go to such widow; and if it exceed the sum of one thousand dollars, such excess shall be distributed one-half to such widow, and the other half to the father of

If more than one child.

If only one.

If no children.

the deceased, if living; if not, such other half shall be distributed equally to the mother and the brothers and sisters, and the issue of any deceased brother or sister, in equal proportions, and share and share alike; and if there shall be neither father nor mother, nor brother nor sister, nor issue of such brother or sister surviving, then such residue shall go to the widow.

7. In case any femme covert shall die possessed of any personal estate, her sole property, or any right or interest therein, Death of femme covert. not lawfully disposed of by her last will and testament, the same shall, after the debts of the deceased, funeral charges and expenses of administration are paid, be distributed as follows: One-third to the husband, and the remaining two-thirds to her children or the issue of any deceased child or children, if any If more than one child. there be, except that if there be but one child or the issue of a If only one. deceased child, her surviving, then such residue shall be divided to such husband and such child, or the issue of such deceased child as aforesaid, in equal proportions, share and share alike; if there shall be no child or issue of any deceased child, her If no child. surviving, one-half of such residue shall go to the husband of the deceased, and the other half to her father, if he be living; if not, then such other half to her mother and brothers and sisters, and issue of any deceased brother or sister, in equal proportions, share and share alike; if there shall be no father nor mother, nor sister nor brother, nor issue of any deceased brother or sister, her surviving, then the whole of such residue shall go to the husband.

Sec. 2. This act shall take immediate effect.

Approved March 27, 1867.

[No. 139.]

AN ACT to amend section twelve, of act No. 304, laws of 1865, entitled "an act to encourage the erection and support of water power manufactories," approved March 21, 1865.

SECTION 1. *The People of the State of Michigan enact, That* Section amended. section twelve, of act number 304, of the session laws of eigh-

teen hundred and sixty-five, entitled an act to encourage the erection and support of water power manufactories, approved March 21, 1865, be and the same is hereby amended so as to read as follows:

Restricted
to certain
counties.

Sec. 12. The provisions of this act shall apply only to the counties of Washtenaw, Calhoun, Allegan, Kalamazoo, Eaton, Cass and Berrien, and to that part of the State lying north of range of towns number eight, north and west of Saginaw county and Saginaw Bay.

Sec. 2. This act shall take immediate effect.

Approved March 27, 1867.

[No. 140.]

AN ACT to regulate express companies and their agents, and individuals prosecuting the express business, not incorporated by the State of Michigan.

Must pro-
cure license

SECTION 1. *The People of the State of Michigan enact, That* it shall not be lawful, after February first, eighteen hundred and sixty-eight, for any person or persons to act within this State, as agent or officer, in transacting the express business, or the forwarding of packages or parcels by express, for any company, association or individual, without first procuring a certificate of authority or license from the State Treasurer of this State; and before obtaining such certificate such company, association, individual, agent or agents shall furnish the State Treasurer of this State, annually, in the month of January in each year, with a statement under oath, of the president, treasurer, secretary or general agent of such company, association or individual, for which he or they may act, which statement shall show—

Annual cer-
tified state-
ment.

Contents.

First. The name and locality of the company or association.

Second. The amount of its capital stock, and how much is paid upon such stock.

Third. The number of agencies or places of business of said company in this State.

Fourth. The amount of gross receipts on their current business in this State, for the year ending December 31st, next preceding such report.

Sec. 2. It shall be a condition precedent to the issuing or the renewal of the annual certificate or license by the State Treasurer, that the company, association or individual making the statement, shall pay into the State treasury a specific State tax of one per cent. on the gross amount received by said company, association or individual, within this State, for the year, included in the report provided for in section one of this act, which said specific tax may be recovered in any court at the suit of this State. It shall be the duty of the State Treasurer to give his receipt for all moneys paid into the State treasury under the provisions of this act, and to issue as many copies of the annual certificate or license as may be desired by said company, but not more than one for each agent or place of business of said express company, association or individual, in this State.

Amount of
State tax.

Copies of
license.

Sec. 3. Any express company, association, firm, copartnership or individual, complying with the requirements of this act, and receiving the certificate or license from the State Treasurer of this State, shall be permitted to do business freely in any part of this State.

Permit after
compliance.

Sec. 4. Any person or persons violating the provisions of this act, shall upon conviction thereof in any court of competent jurisdiction, be fined in any sum of not less than ten and not exceeding one hundred dollars, for each and every act, at the discretion of the court. Violations of the provisions of this act may be prosecuted in the name of the people of the State of Michigan, and it shall be the duty of the prosecuting attorney of each county in this State, to prosecute for any violations of the provisions of this act.

Penalty of
violation.

Approved March 27, 1867.

[No. 141.]

AN ACT to amend sections two and three, of an act entitled "an act to provide for the incorporation of Masonic lodges, approved March tenth, eighteen hundred and sixty-five, and to add a new section thereto.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections two and three, of an act entitled "an act to provide for the incorporation of Masonic lodges, be and the same are hereby severally so amended so as to read as follows:

Masonic
orders.

Sec. 2. Any ten or more residents of this State being members either of any commandery of Knights Templars, council, chapter of Royal Arch Masons, or of any chartered lodge of the order of Free and Accepted Masons, or being members of any such commandery, council, chapter or lodge, who shall be desirous to become incorporated, may make and execute articles of association under their hands and seals, which said articles of association shall be acknowledged before some officer of this State having authority to take acknowledgments of deeds, and shall set forth—

Authorized
to incorpo-
rate.

First. The names of persons associating in the first instance, and their place of residence;

Second. The name and location of the lodge of which they are members, or the name and location of the commandery, council or chapter of which they are members; and in case it is the intention to incorporate a lodge and chapter together, the names of both such lodge and chapter shall be stated or given;

Third. The corporate name by which such association shall be known in the law;

Fourth. The object and purpose of such association, which shall be to promote the general welfare of the masonic fraternity, and the period for which it is incorporated, not exceeding thirty years.

Copy of ar-
ticles must
be filed.

Sec. 3. A copy of said articles of association, together with a copy of the charter of the lodge or chapter, of which the persons executing said articles are members, or in case a lodge and

laws of such corporation shall be adopted by the trustees, who By-laws. may change them at pleasure. A majority of the trustees shall A quorum. be a quorum to transact business.

Sec. 2. This act shall take immediate effect.

Approved March 27, 1867.

[No. 144.]

AN ACT to authorize the planting and protection of shade and ornamental trees in incorporated villages.

SECTION 1. *The People of the State of Michigan enact, That* ^{Permission to plant.} it shall be lawful for the street commissioners of any incorporated village, upon the written application of any six freeholders of such incorporated village, to grant permission to the said freeholders, or to any one of them, to plant, in any of the public streets, lanes or highways of such village, contiguous to property owned by any of the freeholders making such application, shade or ornamental trees, and to provide suitable protection for and around any shade or ornamental trees now growing or hereafter planted within such village: *Provided,* ^{Provided.} That nothing herein contained shall authorize such street commissioners to grant permission to any person to plant trees in violation of any ordinance of such village.

Sec. 2. Such permission may be made by such street commissioners, in writing, and may be filed by the party or parties receiving it, in the office of the clerk of such village; and after ^{Penalty for mutilating after permission to plant.} the said permission shall have been so filed, it shall not be lawful for any person to cut down, mutilate or destroy said trees, so long as they are alive or growing, under the same penalties that would attach to persons guilty of mutilating or destroying trees growing within an enclosure or occupied premises.

Sec. 3. It shall not be lawful for any person to cut down, mutilate or destroy shade or ornamental trees that have been ^{After trees have stood five years.} standing in any highway, public park, street, lane or alley of

such village, for the period of five years previous to the passage of this act, so long as said trees are alive or growing, or any shade or ornamental trees which have been heretofore planted, or to cut down, mutilate or destroy the protections placed around any shade or ornamental trees; and any person who shall willfully and maliciously violate the provisions of this act, shall be punished by fine not exceeding twenty-five dollars, or by imprisonment in the county jail not more than sixty days.

Sec. 4. This act shall take immediate effect.

Approved March 27, 1867.

[No. 145.]

AN ACT to authorize certain persons to administer oaths, and take acknowledgments of deeds and other instruments in writing.

Appoint-
ment of
supreme
court com-
missioner.

SECTION 1. *The People of the State of Michigan enact, That* the Supreme Court is hereby authorized and empowered to appoint any attorney residing in this State, and duly licensed and admitted to practice as an attorney in the Supreme Court, to be a Supreme Court Commissioner, for the term of four years, in and for the county in which such attorney shall reside; such appointment shall be made only on the certificate and recommendation of the circuit judge of the judicial district in which such attorney resides, showing that he is of good moral character, and duly admitted as an attorney of the Supreme Court, and is a competent and suitable person to be appointed such commissioner.

Made on
certificate
of circuit
judge.

May admin-
ister oaths
except to
witnesses
and jurors.

Sec. 2. Every such Supreme Court Commissioner shall have power to administer oaths and affirmations, and take depositions, in any cause, matter or proceeding in any court in this State, and to administer any oath and take any affidavit in any cause, matter or proceeding, except oaths to witnesses and jurors in the trial of causes, and such other oaths as are or may be required by law to be taken before some other officer only.

chapter are to be incorporated together, a copy of the charters of both such lodge and chapter, of which such persons are members of one or both, shall be filed with the county clerk of the county in which such corporation shall be formed, and shall be recorded by such clerk in a book to be kept in his office for that purpose; and thereupon the persons who shall have signed said articles of association, their associates and successors, shall be a body politic and corporate, by the name expressed in such articles of association; and by that name they and their successors shall have succession, and shall be persons in the law capable of suing and being sued, and they and their successors may have a common seal, and the same may change and alter at pleasure; and a certified copy of the record of such articles of association, under the seal of the county where the said record is kept, shall be received as *prima facie* evidence in all courts in this State, of the existence and due incorporation of such corporation.

Body corporate.

Powers of.

Common seal.

Copy of articles may be used in evidence.

Sec. 2. That a new section be added to said act, to stand as section ten, and read as follows:

Sec. 10. Any lodge or chapter which shall have been incorporated before this act as amended takes effect as a law, may, by a vote of the members of such lodge or chapter, at any regular meeting thereof, surrender their corporate rights, powers and liabilities, but such surrender shall not in any manner affect any suits which may be pending, or any action or causes of action accrued or accruing, or any rights which any person may have acquired by virtue of such incorporation; but before such surrender shall be valid, a certificate of the proper officer, under the seal of such lodge or chapter, shall be filed in the office of the county clerk of the county in which such lodge or chapter may be, certifying that such lodge or chapter has voted to surrender its corporate rights; and any such lodge or chapter having so surrendered its corporate rights, may be again incorporated, in conformity with this act as hereby amended.

Power to surrender corporate rights.

Surrender not to affect pending suits.

For surrender to be valid.

Sec. 3. This act shall take immediate effect.

Approved March 27, 1867.

[No. 142.]

AN ACT to amend section three thousand four hundred and thirty-eight, of the compiled laws.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section three thousand four hundred and thirty-eight, of the compiled laws, be amended so as to read as follows:

Bill of ex-
ceptions.

(3438.) Sec. 4. Either party desiring a review of the questions of law appearing upon the trial, may, within such time as shall be prescribed by the rules of court, make a bill of exceptions, in the same manner and with the same effect as upon a trial by jury, or a case containing so much of the evidence as may be material to the question to be raised.

Approved March 27, 1867.

[No. 143.]

AN ACT to amend section three, of an act entitled "an act for the incorporation of charitable societies," approved February 6th, 1855, as amended by an act entitled "an act to amend sections one and four, of chapter fifty-eight, of the compiled laws," approved February 5th, 1864, being section seventeen hundred and fifty-three of the compiled laws.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section three, of an act entitled "an act for the incorporation of charitable societies," approved February 6, 1855, as amended by an act entitled "an act to amend sections one and four, of chapter fifty-eight, of the compiled laws," approved February 5, 1864, being section seventeen hundred and fifty-three of the compiled laws, be amended so as to read as follows: The affairs of each corporation shall be managed by not less than five nor more than twenty trustees, to be chosen by the members thereof, and to hold office for one year, and until their successors be chosen; and the regular officers thereof, except the treasurer and secretary, shall form a part of said trustees. The officers may be chosen by the trustees or by the members of such corporation, as the articles shall prescribe. The by-

Corpora-
tions man-
aged by
trustees.

Choosing
officers.

Every such commissioner shall have power and authority to ^{May take} take proof and acknowledgments of deeds, mortgages and all ^{proofs of} conveyances of any interest in lands, and of all other instruments in writing that are or may be required by law to be acknowledged. ^{deeds, etc.}

Sec. 3. Every such commission or appointment shall be ^{Appointment} transmitted by the clerk of the Supreme Court to the county ^{sent to county} clerk of the county where such attorney so appointed shall reside; and every commissioner, before entering upon the duties prescribed by this act, shall appear before said county ^{Oath of} clerk and take an oath of office similar to that prescribed by ^{office.} the constitution of this State, and the said clerk shall file and preserve the same in his office; every such commissioner shall ^{Must give} also, before entering upon the duties of his office, give bond ^{bond.} to the people of this State, with one or more sureties, to be approved by said county clerk, in the penal sum of one thousand ^{Amount.} dollars, the condition of which bond shall be that such Supreme Court Commissioner shall duly and faithfully, for the term of four years, discharge the duties herein imposed, and he shall file the same with the said clerk.

Sec. 4. Upon the filing of the official oath and bond, as required in the preceding section, said county clerk shall deliver ^{Filing and} such commission or appointment to such commissioner, and ^{notice of} the clerk shall give notice to the Secretary of State of the filing ^{county} of such oath and bond, and of the time of filing the same. ^{clerk.}

Sec. 5. All the requirements made, and duties, obligations and penalties imposed upon the several persons and officers mentioned in sections four hundred and sixty-one, four hundred and sixty-two, four hundred and sixty-three, four hundred and sixty-four and four hundred and sixty-five of the compiled laws, are hereby made applicable to the provisions of this act.

Sec. 6. This act shall take immediate effect.

Approved March 27, 1867.

[No. 146.]

AN ACT to provide for repairing and finishing the State Prison, and for making certain additions thereto.

Authorizing agent to build, etc. SECTION 1. *The People of the State of Michigan enact*, That the agent of the State prison, under the direction of the inspectors thereof, shall proceed, with convenient dispatch, to build a prison for insane convicts; also, new work shops; also to lay down a good stone flagging floor in the east and west wing and the kitchen of said prison; and to take down and rebuild, in a good and substantial manner, the west wall of the same.

Inspectors prescribe plans. Sec. 2. It shall be the duty of the inspectors of the State prison to prescribe the plan of said buildings and the material to be used in their construction, and direct the work upon the same. **Ventilation.** All such buildings shall be erected in the present prison yard, and the plans shall insure complete and perfect ventilation for the cells of such prison, except the prison for female convicts and the prison for insane convicts.

Appropriation. Sec. 3. There is hereby appropriated from the State treasury, the sum of twenty-eight thousand dollars, for the purposes mentioned in section one of this act, as follows: **Work-shop.** For building new work-shops, twelve thousand dollars; **Prison.** for building the prison for insane convicts, ten thousand dollars; **Flagging.** for laying down stone flagging in the east and west wings and the kitchen of said State prison, four thousand dollars; **West wall.** for taking down and rebuilding the west wall of the same, two thousand dollars. **How drawn.** And it shall be the duty of the Auditor General to draw his warrant upon the State Treasurer from time to time, for such sums as the State prison inspectors shall certify to be necessary to defray the accruing expenses for the work aforesaid.

Convict labor. Sec. 4. There may be used in the construction of said buildings and such work, such convict labor as the State prison inspectors may direct; and the entire amount hereby appropriated for the purpose herein named, shall be and remain separate and distinct from all moneys for the support and

maintenance and management of the prison; and the clerk of ^{Agent's} the prison shall be the clerk of such agent, and shall keep, in ^{Clerk.} separate books, and under the direction of such agent, all records, accounts, and other matters, necessary and proper to be kept, relating to all the provisions of this act.

Sec. 5. This act shall take immediate effect.

Approved March 27, 1867.

[No. 147.]

AN ACT making appropriation for the State [normal school.

SECTION 1. *The People of the State of Michigan enact, That the* ^{Transfer} State Treasurer shall transfer from the ^{from gen-} general fund to the nor- ^{eral fund.} mal school interest fund, the sum of ten thousand dollars, for the year eighteen hundred and sixty-seven, and ten thousand dollars for the year eighteen hundred and sixty-eight, which sums are hereby appropriated to the normal school interest fund, and shall be drawn from the treasury in the manner ^{How drawn.} now provided by law in relation to that fund.

Sec. 2. This act shall take immediate effect.

Approved March 27, 1867.

[No. 148.]

AN ACT to compel railroad companies to provide their passenger coaches with aprons between the coaches, for the protection of passengers, and for other purposes.

SECTION 1. *The People of the State of Michigan enact, That* ^{Passenger} it shall not be lawful for any railroad company to run on any ^{coaches} railroad within the limits of this State, any passenger coaches ^{must have} for the transportation of passengers, unless the same shall be ^{aprons.} provided with suitable aprons of canvass, leather, india rubber or other suitable material between said coaches and upon each of the platforms of said coaches, to afford protection to passengers in passing from one car to another. Any railroad

Penalty for running without. company that shall run any train without providing each of the passenger coaches thereof with such aprons, shall be held liable in a penalty of twenty-five dollars for each coach not so provided, to be sued for and recovered in an action of debt, to be brought in the name of the people of the State of Michigan, on the complaint of any person, with costs of suit. Said penalty shall by the court before which such suit is prosecuted, be paid to the county treasurer of the county in which such suit is brought, and be placed by him to the credit of the school district library fund.

Fines collected.

Where credited.

Black-boards at telegraph stations. Sec. 2. It shall be the duty of all railroad companies doing business in the State of Michigan to provide in each and every depot where there is a telegraphic station, a black board, on which shall be noticed what is known at said telegraph office of the time of the arrival of each passenger train, stating whether the same is on time or behind time, and how much. Any person or company failing to comply with the provisions of this section, shall for each and every day of such failure, forfeit and pay the sum of five dollars and costs of prosecution, which shall be sued for, and when collected shall be applied as provided in the preceding section: *Provided*, That no railroad company shall be liable under the provisions of this section for not making the notices herein prescribed, after the hour of ten o'clock at night, at any station where the telegraph is not kept open at night after said hour of ten o'clock.

Penalty of neglect.

Proviso

Approved March 27, 1867.

[No. 149.]

AN ACT to repeal sections four and five, of act number two hundred and sixteen, of the session laws of 1861, entitled an act to provide for the draining of swamps, marshes and other low lands, approved March 15th, 1861, and to substitute two new sections therefor.

Sections repealed.

SECTION 1. *The People of the State of Michigan enact, That* sections four and five, of an act entitled an act to provide for the drainage of swamps, marshes, and other low lands, approved

March fifteenth, eighteen hundred and sixty-one, be and the same are hereby repealed, and two new sections substituted Substitutes. therefor, to stand as sections four and five, and which shall read as follows:

Sec. 4. Said commissioners shall appoint a time, at which Time ap-
pointed to
contract. they will meet at some convenient place or places, for the purpose of contracting for the performance of the construction and excavation of such ditch or drain, at which time, place or places, the owner, or his or her agent or attorney may appear, Owners
may build
drains. and make and execute a contract, with good and sufficient security, for the faithful performance of the construction and excavation of so much of said drain as shall run across his or her or their lands, or so much as the said drain commissioners shall adjudge or set off of said drain to such lands, if they, in their judgment, should judge that any subdivision of land should not excavate the amount of such ditch running across such subdivision of a section or part of section; and in case if owner
does not
execute. such owner or occupant, his, her or their agent or attorney, shall not appear and execute such contract, then it shall be lawful for such commissioners, and it shall be their duty, to let the same to the lowest responsible bidder, who shall file such a contract as aforesaid with said commissioners, and the expenses of such construction shall be levied upon such land, but such contracts shall be upon reasonable public notices, published in Letting of
contract to
be pub-
lished. some newspaper published in the county; and also said drain commissioners shall post up three or more notices, either printed or written, and signed by them, along the line of such drain, or adjacent thereto, and such other places as they shall deem necessary.

Sec. 5. Said commissioners shall make an estimate of the Commis-
sioners to
estimate
expenses
and levies,
and make
maps. sum necessary to be raised to pay the incidental expenses of making such ditch or drains, and also make an estimate of the sum that ought to be levied on each section, or part of section, or parcel of land on such marshes or low lands, in such proportion as they shall deem just, according to the benefit that will

accrue to each, by making any such ditch or drain; and they shall cause maps of said lands to be made, designating thereon the length, depth, width, position and direction of every ditch
 Contents of. or drain by them laid out and established by them; said map shall also contain a description of every section or part of section or parcel upon which estimates have been made, with the amount of such estimates, also the aggregate amount to be collected in each township.

Sec. 6. This act shall take immediate effect.

Approved March 27, 1867.

[No. 150.]

AN ACT to authorize the judge of probate in the counties of Oakland, Calhoun and Cass to appoint clerks, and to authorize the board of supervisors of said counties to fix the compensation of such clerks.

Apportionment.

SECTION 1. *The People of the State of Michigan enact, That the judge of probate of the counties of Oakland, Calhoun and Cass appoint a clerk, whose duty it shall be to keep the record of the proceedings in the probate courts of said counties, in the same manner, as near as may be, as clerks in other courts of*
 Clerk's duty record; and such clerks may receive petitions for the time of hearings, make certificates and orders, sign and seal process issued out of the probate court, and test the same in the name of the judge of probate, and do all other acts required of said judge, except making judicial decisions.

Order to be recorded.

Sec. 2. Whenever such clerk shall be appointed by any judge of probate, pursuant to the provisions of this act, such judge of probate shall make an order of appointment, and the same shall be entered at large on the record of the proceedings of such probate court.

Clerk's official oath and bond.

Sec. 3. Any person appointed clerk of a probate court by virtue of the provisions of this act, shall before entering upon the duties of his office, take and subscribe the oath prescribed by the constitution of this State, and shall make and execute a

bond to the people of the State of Michigan, in such penalty and with such sureties as the judge of probate may direct, conditioned for the faithful discharge of the duties of his office, and the payment over of all moneys that may come into his hands, which oath and bond shall be filed in the office of county clerk of such county.

Sec. 4. It shall be the duty of the board of supervisors of the proper county to fix the compensation of such clerk, which shall not be less than two hundred nor more than five hundred dollars per annum, to be paid in the same manner as provided by law for the payment of compensation of county clerks. ^{Compensation.}

Sec. 5. Nothing herein contained shall be construed to prohibit the appointment of a clerk according to the provisions of section forty-six, of chapter ninety-one, of the revised statutes of eighteen hundred and forty-six, as amended by act three hundred thirty-four, of the session laws of eighteen hundred and fifty.

[Sec. 6. This act shall take immediate effect.]

Approved March 27, 1867.

[No. 151.]

AN ACT to amend section one, of an act entitled "an act relative to the issuing of false, fraudulent and part-paid shares of the stock of railroad companies, and to repeal sections four and five, of act number 229, of the session laws of 1863," approved March 20, 1865.

SECTION 1. *The People of the State of Michigan enact, That* ^{Section amended} section one, of act number two hundred and eighty-nine, entitled "an act relative to the issuing of false, fraudulent and part-paid shares of the stock of railroad companies, and to repeal sections four and five, of act number two hundred and twenty-nine, of the session laws of eighteen hundred and sixty-three," approved March 20, 1865, be and hereby is amended so as to read as follows:

No shares
or certifi-
cates to be
sold till
fully paid.

Sec. 1. *The People of the State of Michigan enact,* That it shall not be lawful for any railroad company existing by virtue of the laws of this State, nor for any officer of any such company, to sell, dispose of or pledge any shares in the capital stock of such company, nor to issue certificates of shares in the capital stock of such company, until the shares so sold, disposed of or pledged, and the shares for which such certificates are to be issued shall have been fully paid; and if any officer or officers of any such company shall issue, sell, pledge or dispose of any shares or certificates of shares of the capital stock of such company, in violation of the provisions of this act, such officer or officers so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by law in case of issuing false or fraudulent railroad stocks. The provisions of this act shall apply as fully to the stocks and officers of consolidated railroad companies, existing in whole or in part within this State, as to original unconsolidated companies existing as aforesaid.

Penalty for
violation.

Act applies
to consoli-
dated com-
panies, also.

Section
amended.

Sec. 2. That section two of said act be and the same is hereby amended so as to read as follows:

Annual re-
port in July

Sec. 2. It is hereby made the duty of every such railroad company as aforesaid, to file with the Secretary of State, in the month of July in each year, a special report and statement,

Contents of.

sworn to by the president and treasurer of the company, setting forth explicitly the number of shares of capital stock actually issued, sold, pledged or disposed of by the company to the date of such report, and the amount of capital stock issued during the year last past, and the amount received therefor in money, and the amount received therefor, if any, in property and other effects.

Section
amended

Sec. 3. That section three of said act be and the same hereby is amended so as to read as follows:

Penalty of
neglect.

Sec. 3. Any violation of the provisions of this act, or any neglect to comply with the requirements of this act, or the making of any false statement to the Secretary of State in relation to

any of the matters required by the preceding section to be reported to him, shall render the officers and directors of any such railroad company as aforesaid, guilty of any such violation or neglect, or making or permitting any such false statement, liable to the State for the penalties heretofore provided by law.

Sec. 4. This act shall take immediate effect.

Approved March 27, 1867.

[No. 152.]

AN ACT making appropriations and provisions for the support of the Michigan Asylum for the Deaf and Dumb, and the Blind, at Flint, and for completing the west wing thereof, and erecting other buildings.

SECTION 1. *The People of the State of Michigan enact, That* Amount appropriated. the sum of twenty-seven thousand and five hundred dollars, for supporting the Asylum for the Deaf and Dumb, and the Blind, at Flint, during the year eighteen hundred and sixty-seven; and the further sum of twenty-seven thousand and five hundred dollars, for the year eighteen hundred and sixty-eight, be and the same is hereby appropriated out of the general fund, and the same shall be passed to the credit of said Asylum fund, on the books of the State Treasurer, for the respective years above mentioned, and drawn upon warrants made by the board How drawn. of trustees, and countersigned by the Auditor General, to be used for the purposes specified in this section, and for no other use or purpose whatever.

Sec. 2. For the purpose of completing the west wing in all Additional appropriation for west wing, etc. its parts, including steam-boiler and facilities for heating and ventilating, made necessary by the finishing thereof, the sum of forty thousand dollars is hereby appropriated out of any moneys in the general fund not otherwise appropriated, and in addition to other taxes provided for by law for the year eighteen hundred and sixty-seven, and when collected, shall be passed to the credit of the Asylum fund, and the same may be drawn How drawn in the manner above specified, and the same shall be for the

purpose specified in this section, and for no other purpose whatever.

For furni-
ture, team,
etc.

Sec. 3. For the purpose of furnishing the Asylum with furniture which is suitable, purchasing a team, building a barn, erecting shops for manufacturing furniture and other articles, and for doing carpenter and joiner work, furnishing stock and materials to be used for manufacturing purposes, and tools and implements for manufacturing, to be used by the pupils, employing and paying foremen in the shops, making fences and roads, and the purchase of such number of cows as may be required for the use of the Asylum, the sum of ten thousand dollars be and the same is hereby appropriated out of any moneys in the general fund, not otherwise appropriated, and shall be passed to the credit of the Asylum fund, and may be drawn in the manner above specified, and be used for the purposes in this section mentioned, and for no other purposes whatever.

How drawn

Trustees re-
port quar-
ter yearly.

Sec. 4. It shall be the duty of the board of trustees to render quarter-yearly to the Auditor General, accounts current of all cash transactions, and all moneys received, with the proper vouchers; and no money shall be drawn by virtue of this act by said board of trustees, unless they shall have first filed with the Auditor General an estimate and statement showing the purpose for which such money is required, nor shall the Auditor General draw his warrant except for the purposes for which the moneys in this act above specified are appropriated.

First file
estimate,
stating pur-
pose.

Sec. 5. This act shall take immediate effect.

Approved March 27, 1867.

[No. 153.]

AN ACT to provide for holding the circuit courts in case of the death, resignation, removal, absence or inability of the circuit judge.

Governor
may fill va-
cancy in
judicial
district.

SECTION 1. *The People of the State of Michigan enact, That in case of the death, resignation, removal from the judicial district in which he was elected, inability to discharge the*

duties of his office, or from any cause, a vacancy shall exist in any judicial district in this State, it shall be the duty of the Governor, on being informed by the county clerk of any county that the circuit judge of the district in which such county forms a part, is dead, or has resigned, or has removed from such judicial district, or is unable to discharge the duties of such office, or that from any other cause to be named, it shall appear that there is no circuit judge to perform the duties of such office, to appoint the chief justice, or any one of the justices of the supreme court, or any one of the circuit judges of the State, to hold such term or terms in such judicial district as he may direct; and the judge so appointed shall perform the duties, and hold the term or terms in like manner, and with the like effect as he could do if he had been elected to such office in such judicial district.

Sec. 2. This act shall take immediate effect.

Approved March 27, 1867.

[No. 154]

AN ACT to authorize the organization of young men's christian associations.

SECTION 1. *The People of the State of Michigan enact, That* How association is incorporated. any ten persons who desire to become incorporated as a "young men's christian association," may execute under their hands, and acknowledge before some person in this State duly authorized to take the acknowledgment of deeds, one or more duplicate articles of agreement, as herein specified, one copy of which shall be filed and recorded in the office of the Secretary of State; and a record shall be made of such articles, or a certified copy thereof, in the clerk's office of the county in which such association shall be located; and upon the execution and acknowledgment of such articles, the signers thereof, and such persons as may thereafter become associated with them, shall become a body politic and corporate, for the purpose set forth in said articles. Articles of association.

Contents.

Sec. 2. The articles of this association shall contain—

First. The names of the persons associating in the first instance, and their places of residence;

Second. The name of such corporation and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years;

Third. The objects for which it is organized expressly stated;

Fourth. The number of its directors and regular officers, and the time and place of holding its annual meeting;

Fifth. The terms and conditions of membership.

Managed by directors.

Sec. 3. The affairs of such corporation shall be managed by not less than five nor more than twenty directors, to be chosen by the members thereof, to be elected (after the first election) by classes, their term of office not to exceed three years, and until their successors are chosen; a majority of said directors to constitute a quorum, and have power to enact, alter and repeal all necessary by-laws; the other regular officers of said corporation to be members of the board of directors, except the secretary and treasurer, and to be elected as the articles shall direct.

A quorum.

May own real estate.

Sec. 4. Such corporation shall be entitled to own and hold such real and personal estate, as may be necessary or convenient for carrying out the purposes of said corporation.

Report.

Sec. 5. Any corporation formed under this act shall, whenever required by the Attorney General or Legislature, report a full statement of its affairs to the party so requiring.

Approved March 27, 1867.

[No. 155.]

AN ACT for the relief of railroads in the Upper Peninsula.

Rates of fare per mile.

SECTION 1. *The People of the State of Michigan enact, That the several railroad companies in the Upper Peninsula, their successors and assigns, shall have the right to charge, collect and receive fares, for passengers upon their roads, at the rate of five cents per mile.*

Sec. 2. The Peninsula Railroad Company, its successors and assigns, shall for the term of six years from and after March eleventh, eighteen hundred and sixty-five, have and enjoy the same exemption from taxation which was given to the Marquette and Ontonagon Railroad Company, and the L'Anse and Ontonagon Railroad Company, by section three, of act one hundred and forty-eight, approved March eleventh, eighteen hundred and sixty-five, extending the time of their exemption from taxation for ten years from the time of the passage of that act: *Term of exemption from taxation.*
Provide. Provided, Said company shall keep its road open and in operation throughout each successive year, unless temporarily interrupted by storms, stress of weather or other unavoidable casualties.

Sec. 3. This act shall take immediate effect.

Approved March 27, 1867.

[No. 156.]

AN ACT to quiet the title to certain lands.

Whereas, The Fort Wayne and Chicago railroad company were the owners in fee of certain lands in this State, at the time of the consolidation of said road with the Pittsburgh, Fort Wayne and Chicago railroad company, which said lands were afterwards conveyed and deeded by the last named company; *Owners before consolidation.*
 therefore,

SECTION 1. *The People of the State of Michigan enact,* That in any suit or proceeding, at law or in equity, prosecuted or defended in this State, relating to said lands, the deed of the Pittsburgh, Fort Wayne and Chicago railroad company for said lands, or any part thereof, shall be received in evidence, *Deed received in evidence*
 upon due proof of the execution thereof, with the same effect that the deed of the Fort Wayne and Chicago railroad company would or might have, and shall be sufficient to vest the title of said lands, in fee simple, in the purchasers thereof, as

against the grantors of said lands to the Fort Wayne and Chicago railroad company.

[Sec. 2. This act shall take immediate effect.]

Approved March 27, 1867.

[No. 157.]

AN ACT to define and limit the amount of money which may be granted and voted by the qualified electors of townships, for the purpose of erecting town halls or other buildings for the public use of the inhabitants thereof.

Not exceeding one per cent. SECTION 1. *The People of the State of Michigan enact, That* the inhabitants of each township may at any legal meeting, by a vote of the qualified electors thereof, grant and vote any sum of money, not exceeding one per cent., in any one year, upon the assessed valuation of the taxable real and personal estate of such townships, as appears by the last equalized and perfected tax-roll of the townships, for the purpose of erecting a town hall, or other building or buildings required for the public use of such inhabitants, in whole or in part, for township purposes: *Provided*, That no such vote shall be taken, nor appropriation made at such legal meeting of any township, unless a notice of intention to move for such a vote and appropriation, signed by at least twelve freeholders of such township, shall have been posted up in five of the most public places in such township, at least ten days previous to the day of such meeting, which said notice shall specify the amount to be raised for such purpose: *And provided further*, That no money shall be raised by tax, until a majority of the qualified electors, voting at such meeting, shall by ballot, authorize the same.

Proviso.

Posting notice of meeting.

Proviso.

Approved March 27, 1867.

[No. 158.]

AN ACT to amend act number one hundred and two, of session laws of eighteen hundred and fifty-nine, being an act to amend section ten, of an act entitled "an act to provide for the incorporation of railroad companies," approved February twelfth, eighteen hundred and fifty-five.

SECTION 1. *The People of the State of Michigan enact, That* ^{Act amended.} act number one hundred and two, of session laws of eighteen hundred and fifty-nine, being an act to amend section ten, of an act entitled an act to provide for the incorporation of railroad companies, approved February twelfth, eighteen hundred and fifty-five, be and the same is hereby amended so as to read as follows:

Sec. 10. The directors shall have power to make by-laws for ^{By-laws.} the management and disposition of the stock, property and business affairs of such company, not inconsistent with the laws of this State, and prescribing the duties of officers, artificers ^{Contents of.} and servants that may be employed, and for the appointment of all officers for carrying on business within the objects and purposes of such company.

Approved March 27, 1867.

[No. 159.]

AN ACT to amend sections one and three, of an act to provide for the drainage and reclamation of swamp lands, by means of a road, to be known as the Montcalm and Gratiot State road, approved March eighteenth, eighteen hundred and sixty-five.

SECTION 1. *The People of the State of Michigan enact, That* ^{Sections amended} sections one and three, of an act entitled an act to provide for the drainage and reclamation of swamp lands, by means of a road, to be known as the Montcalm and Gratiot State road, approved March eighteenth, eighteen hundred and sixty-five, be and the same is hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact, That* ^{New road.} there shall be laid out and established a road, by a new com-

missioner to be appointed by the Governor, commencing at the village of Hubbardston, in Ionia county, thence running north, on the most eligible route, to the north line of Gratiot and Montcalm counties.

Lands appropriated.

Sec. 3. To aid in the construction of said road there is hereby appropriated an average amount of six hundred and forty acres of State swamp lands to the mile within the limits of Montcalm, Gratiot and Ionia counties, to be expended within the limits of said Montcalm, Gratiot and Ionia counties, and not otherwise, under the provisions of said act and acts amendatory thereto.

Approved March 27, 1867.

[No. 160.]

AN ACT to provide a tax for the expenses of the State government.

Amount of levy.

SECTION 1. *The People of the State of Michigan enact*, That two and one-fourth mills on the dollar of the aggregate of the real and personal estate, as equalized by the State board of equalization for the year eighteen hundred and sixty-six, be levied and collected upon the taxable property of this State, for the year eighteen hundred and sixty-seven, and that two mills on the dollar of the real and personal estate, as equalized by the State board of equalization for the year eighteen hundred and sixty-six, be levied and collected upon the taxable property of the State, for the year eighteen hundred and sixty-eight, and the same is hereby appropriated for the payment of the expenses of the State government, and the interest upon the State debt, not otherwise provided for.

Apportioned by Auditor General.

Where and when sent.

Sec. 2. The Auditor General shall apportion, each year, the sums herein directed to be raised, among the several counties, in proportion to the taxable property therein, as determined by the State board of equalization; and he shall on or before the fifteenth day of September, in each year, make out and transmit to the clerk of the several boards of supervisors the amount

of such tax so apportioned by him to the county, and shall charge the several amounts of such apportionment to the counties respectively.

Approved March 27, 1867.

[No. 161.]

AN ACT for the protection of the rights of females.

SECTION 1. *The People of the State of Michigan enact,* No property, except as exempted by the State constitution, shall be exempt from levy or sale, under an execution, issued upon a judgment obtained before any justice of the peace, for work, labor, or services done or performed by any woman, when such amount does not exceed the sum of twenty-five dollars, exclusive of costs. In entering any such judgment, the justice shall recite on the docket that the same was rendered for the personal services and work of said plaintiff, and the same fact shall also be recited in any execution issued thereon; and in addition to all other costs allowed by law, the plaintiff in any such suit shall recover an attorney's fee of five dollars, to be taxed with the other costs in the cause, and to be collected in the same manner as such other costs are collected.

Property sold on execution for services.

Five dollars attorneys' fee added to costs.

Approved March 27, 1867.

[No. 162.]

AN ACT relative to the imprisonment of parties in civil suits, in certain cases.

SECTION 1. *The People of the State of Michigan enact,* That no husband, who has been or shall be joined as a defendant with his wife, in any suit or action to recover damages for any tort or wrong committed by the wife, shall be arrested, imprisoned or detained in imprisonment upon any process issued in such cause, or upon any execution or final process issued upon any judgment in any such cause, nor shall he be arrested, impris-

When a husband may not be imprisoned.

oned, or detained in imprisonment, upon any process or proceeding prosecuted or founded upon, or by reason of any such judgment.

Plaintiff to
pay board
in advance

Sec. 2. That whenever any person shall be committed to any jail, by virtue of an execution issued or proceeding founded on a judgment rendered in any civil suit, the plaintiff or defendant at whose instance such person shall be so imprisoned, shall pay, on demand, to the sheriff or the keeper of the common jail of the county, the expenses of the board and keeping of such person so imprisoned; and the said sheriff or keeper of said jail shall not be required to retain such person any longer in jail than such expenses of said board and keeping shall be paid in advance; nor shall such expenses constitute any charge against the county.

Sec. 3. This act shall take immediate effect.

Approved March 27, 1867.

[No. 163.]

AN ACT to protect mechanics and other laborers in the quiet and peaceable pursuit of their avocations.

Penalty of
molestation

SECTION 1. *The People of the State of Michigan enact, That* if any person or persons shall, by threats, intimidations, or otherwise, and without authority of law, interfere with, or in any way molest, or attempt to interfere with, or in any way molest or disturb, without such authority, any mechanic or other laborer, in the quiet and peaceable pursuit of his lawful avocation, such person or persons shall be deemed guilty of a misdemeanor, and on conviction by a court of competent jurisdiction, shall be severally punished by fine of not less than ten dollars, nor more than one hundred dollars, or by imprisonment in the county jail where the offense shall have been committed, not less than one month nor more than one year, or by both fine and imprisonment, in the discretion of the court; but if such punishment be by fine, the offender shall be im-

prisoned in such jail until the same be paid, not exceeding ninety days.

Approved March 27, 1867.

[No. 164.]

AN ACT to amend section thirty-nine, of chapter one hundred and fifty-four, of the revised statutes of eighteen hundred and forty-six, being section five thousand seven hundred and eighty-three, of the compiled laws, relative to false pretenses.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section thirty-nine, of chapter one hundred and fifty-four, of the revised statutes of eighteen hundred and forty-six, being section five thousand seven hundred and eighty-three, of the compiled laws, be and the same is hereby amended so as to read as follows:

Sec. 39. Every person who, with intent to defraud or cheat Fraudulent conveyance of land.
 another, shall designedly, by color of any false token or writing, or by any other false pretense, cause any person to grant, convey, assign, demise, lease or mortgage any land, or interest in land, or obtain the signature of any person to any written instrument, the making whereof would be punishable as forgery, or obtain from any person any money, personal property or valuable thing, shall be punished by imprisonment in the State Penalty.
 prison, not more than ten years, or by fine not exceeding five hundred dollars, and imprisonment in the county jail not more than one year.

Approved March 27, 1867.

[No. 165.]

AN ACT for the protection of land, and to punish the cutting and carrying away of timber therefrom.

SECTION 1. *The People of the State of Michigan enact, That* Destroying or removing timber, etc., amounting to \$25.
 every person having no color of title, either tax, equitable or otherwise, who shall willfully and without permission of the

owner thereof, enter upon the lands of another, and shall cut down, destroy or remove therefrom any tree, trees, timber, wood, logs or lumber, growing, standing, lying or being thereon, of the value of twenty-five dollars or more, or shall willfully induce, direct, aid or abet any other person in so doing, shall be deemed guilty of a felony, and shall be punished by imprisonment in the State prison not more than one year, or by fine not more than five hundred dollars, and imprisonment in the county jail not more than twelve months.

Penalty.

Amounting to less than \$25.

Penalty.

Sec. 2. If the tree, trees, timber, wood, logs or lumber so cut down, destroyed or removed, shall exceed the value of one dollar, and shall not be of the value of twenty-five dollars; the person thus offending shall be punished by fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment, in the discretion of the court.

Commencing to commit such acts.

Penalty.

Not necessary to prove defendant had no title.

Sec. 3. In any prosecution under this act, the person accused may be charged with commencing to commit the acts or any of them thus charged, on some particular day to be therein stated, and of continuing to commit the same at divers times and on divers days, between that day and some other day to be therein stated. In case the person prosecuted under this act shall be found guilty, the value of the property so cut down, destroyed or removed shall be stated in the finding or verdict. In any complaint, indictment or information under this law, it shall not be necessary to aver, nor on the trial shall it be necessary to prove, on the part of the prosecution, that the defendant had no color of title, tax, equitable or otherwise, to the premises on which such trespass is alleged to have been committed.

Approved March 27, 1867.

[No. 166.]

AN ACT to amend section twelve hundred and fifty-nine of the compiled laws, being section nineteen, of chapter thirty-one, of the revised statutes of eighteen hundred and forty-six, relative to weights and measures.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
section twelve hundred and fifty-nine, of the compiled laws, be amended so that the same shall read as follows:

(1259.) Sec. 19. The half bushel and the parts thereof shall Standard measure of fruits, etc.
be the standard measure for fruits and other commodities customarily sold by heaped measure; and in measuring such commodities the half bushel or other smaller measure shall be heaped as high as may be, without especial effort or design; and the standard measure of charcoal shall be twenty-seven Of charcoal
hundred and forty-eight cubic inches for each and every bushel thereof.

Approved March 27, 1867.

[No. 167.]

AN ACT to amend section nineteen hundred and eighty-seven, being section forty-three, of chapter sixty-seven, of the compiled laws, it being "an act to provide for the incorporation of railroad companies," approved February twelfth, eighteen hundred and fifty-five, so as to require all persons and companies owning or occupying railroads, to fence the same.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
section nineteen hundred and eighty-seven, being section forty-three, of chapter sixty-seven, of the compiled laws, be and the same is hereby amended so as to read as follows:

(1987.) Sec. 43. Every railroad corporation formed under this act, and every person or corporation owning or occupying any railroad within this State, under any of the laws thereof, shall erect and maintain fences on the sides of their respective roads, of a height and strength of a division fence required by law, with suitable openings and gates therein, and convenient for farm crossings of the road, for the use of the pro- Railroad corporations must erect fences and cattle guards.

prietors of lands adjoining such railroad; and also to construct and maintain cattle guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on to the railroad; until such fences and cattle-guards shall be duly made, the corporation or person, and its or his agents, shall be liable for double all damages which shall be done by their agents, or engines, or cars, to cattle, horses or other animals thereon, and all other damages which may result from the neglect of said corporation or person to erect and maintain fences and farm-crossings as aforesaid; and after such fences and guards shall be duly made and maintained, the corporation shall not be liable for any such damages unless negligently or willfully done; and if any person shall ride, lead or drive any horse or animal upon such road, and within such fences and guards, other than at farm-crossings, without the consent of the corporation, he shall for every such offense, forfeit a sum not exceeding ten dollars, and shall also pay all damages which shall be sustained thereby to the party aggrieved.

Liability by neglect.

When not liable.

Animals not allowed within fences or guards.

Sec. 2. This act shall take immediate effect.

Approved March 27, 1867.

[No. 168.]

AN ACT in relation to security for costs.

When plaintiff's surety is liable.

SECTION 1. *The People of the State of Michigan enact*, That whenever any person shall become security for costs for another, in any court in this State, whether such security be required by law to be given, or be required by order of the court, in case the defendant in any such action shall recover final judgment or decree for costs against the plaintiff or complainant, thereupon judgment or decree shall be immediately, and in such suit, entered, as well against such surety as against such plaintiff or complainant, and execution may issue against such surety, in the same manner as if he had been himself a party to such suit.

Approved March 27, 1867.

[No. 169.]

AN ACT to exempt the county of Ionia, and all the townships of Oakland county except Royal Oak, from the operation of act number two hundred and sixteen, of the session laws of the year of our Lord eighteen hundred and sixty-one, and acts amendatory thereof.

SECTION 1. *The People of the State of Michigan enact*, That act number two hundred and sixteen, of the session laws of the year of our Lord eighteen hundred and sixty-one, and acts amendatory thereof, shall not apply hereafter to the county of Ionia, nor to any of the townships of Oakland county except Royal Oak, except as hereinafter provided.

Sec. 2. Nothing contained in this act shall be construed to prevent the drainage commissioners of said counties from completing any ditch jobs which they may have heretofore lawfully begun: *Provided*, The same be completed within one year from the passage of this act.

Approved March 27, 1867.

No. 170.]

AN ACT relative to judgments in criminal cases.

SECTION 1. *The People of the State of Michigan enact*, That whenever, in any criminal case, tried in any circuit court or in the recorder's court in the city of Detroit, the defendant shall be adjudged guilty, and a punishment by fine or imprisonment shall be imposed in excess of that allowed by law, the judgment shall not for that reason alone be judged altogether void, nor be wholly reversed and annulled by any court of review, but the same shall be valid and effectual to the extent of the lawful penalty, and shall only be reversed or annulled on writ of error or otherwise, in respect to the unlawful excess.

Approved March 27, 1867.

[No. 171.]

AN ACT to regulate insurance companies and their agents, associations, partnerships and individuals doing business and making insurance upon the life of domestic animals, and against loss by accident, disease or theft of such animals, not incorporated by the State of Michigan.

Laws taxing
Insurance
Companies
extended to
include
companies
insuring
lives of
animals.

SECTION 1. *The People of the State of Michigan enact*, That all the provisions of law now existing, imposing a tax upon persons and companies engaged in the business of fire and marine and other insurance, which are not organized and existing under the laws of this State, shall extend to and include, so far as the imposition of said tax is concerned, of all companies and persons making insurance upon the life of domestic animals, and against loss by disease, accident or theft of such animals, which are not organized by virtue of the laws of this State.

Approved March 27, 1867.

[No. 172.]

AN ACT to amend an act entitled "an act to authorize proceedings by garnishment in the circuit courts, and in the district court of the Upper Peninsula," approved March sixteenth, eighteen hundred and sixty-one.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section thirteen of said act be and the same is hereby amended so as to read as follows:

Judgment
for plaintiff
before gar-
nishment.

Sec. 13. In case judgment shall have been rendered in favor of the plaintiff in the principal action, before the commencement of such garnishee proceedings, or before the framing of such statutory issue, such issue shall be brought to trial in the same manner as a personal action; but in case judgment shall not have been so recovered in the principal action, then such statutory issue shall stand for trial at the term at which the issue against the principal defendant shall be tried and finally disposed of; and if the latter issue be determined against

None in
principal
action.

the plaintiff at any time thereafter, upon motion of the garnishee, judgment shall be entered in his favor upon the statutory issue, and for costs against the plaintiff, reciting the framing of such issue, and the judgment in favor of the principal defendant.

Sec. 2. That section thirty-nine of said act be amended so as to read as follows:

Sec. 39. If any person named in the affidavit for the writ of garnishment, shall be stated to reside out of the county in which the suit in garnishment is brought, the writ of garnishment or any execution against the garnishee, shall be directed to the sheriff of any county in this State in which such person may reside; such sheriff shall serve said writ in the manner that writs of garnishment are required to be served in other cases, and shall make return of his doings to the clerk of the county from which the writ issued.

Approved March 27, 1867.

[No. 173.]

AN ACT for the relief of settlers on swamp lands.

SECTION 1. *The People of the State of Michigan enact, That* in all cases where lands have been purchased as government lands, at any of the United States land offices within the State of Michigan, and such purchase has afterwards been set aside or canceled, in consequence of the land so purchased having been found to be swamp lands, the purchaser, his heirs or assigns, may, at any time before such lands are offered for sale by the State, or before said lands are sold to any other person, on presentation of a certificate of such purchase and cancellation, from the register of the land office where such purchase was originally made, to the Commissioner of the State Land Office, be entitled to purchase such lands of the State at the price of one dollar and twenty-five cents per acre, subject to the condition that such purchaser or purchasers shall not have any claim against the State for draining such land; and such

When
against
plaintiff in
latter issue.

Section
amended.

When per-
son resides
out of
county.

Canceled
purchased
lands re-
sold to pur-
chaser for
\$1 25 per
acre.

Condition.

land purchased of the United States shall not be offered for sale by the State, until the expiration of two years after the United States have issued the patent for such lands to this State; and all persons who have in good faith, at any time since the twenty-eighth of September, eighteen hundred and fifty, settled upon and made valuable improvements on any of the swamp lands of this State, with the intention of securing the same under the preëmption laws of the United States, and shall file with the Commissioner of the State Land Office sufficient evidence of said settlement or improvement and intention, prior to their being offered for sale, such person, his heirs or assigns, shall also be entitled to purchase such lands at one dollar and twenty-five cents per acre: *Provided*, That nothing in this act shall be construed to affect the legal rights of any suit or claims now pending, either in law or equity.

Approved March 27, 1867.

[No. 174.]

AN ACT supplementary to "an act to authorize the formation of corporations for mining, smelting or manufacturing iron, copper, mineral coal, silver or other ores or minerals, and for other manufacturing purposes," approved February fifteenth, eighteen hundred and fifty-three.

Publish notice of meeting before organizing.

SECTION 1. *The People of the State of Michigan enact*, That no meeting of the stockholders of any corporation, organized under the provisions of the act to which this is supplementary, for the purpose of mining, smelting or manufacturing iron, copper or other ores or minerals, in the Upper Peninsula, shall be, or be held to be legal or valid, or the proceedings thereof of any force or effect, unless the directors, or other officers or parties calling the same, shall cause a notice of the time, place and object of holding the same, to be published daily for at least thirty days previous thereto, in some newspaper published in the city of Detroit, and weekly, for four weeks previous thereto, in some newspaper published in the county in which its busi-

ness is carried on, or its mines or works are situated, if one be published therein, and if not, then in some paper published in said Upper Peninsula printed nearest to such mine, works or place of business; and shall also cause a copy of such notice, or newspaper containing the same, to be sent by mail to each stockholder at his usual place of residence, twenty days before the time of such meeting: *Provided*, That in cases where such corporation has its business office in any city or town out of this State, the said directors or parties shall also cause the said notice to be published daily, for thirty days previous to such meeting, in some newspaper published in such city or town, or if there be none, in some weekly paper published therein.

Sec. 2. No alienation, division, sale or mortgage of any, or any part of any mine works, real estate or franchises of any corporation mentioned in the first section of this act, shall have any force or effect, or pass any title thereto or interest therein, unless expressly authorized by the vote of three-fourths in interest of the stockholders of said company, actually present or legally represented at some meeting of stockholders, called and notified in accordance with the provisions of the preceding section of this act; and in all cases, when the sale of any such property or franchise is so authorized, the directors of such company shall give notice of the time and place of such sale, by publication, for eight weeks successively prior thereto, daily and weekly, as the case may require, in the several newspapers mentioned in section one of this act: *Provided*, That no part of the real estate of any such company, situate or being in the Upper Peninsula, shall be sold at any other place than the court house of the county in which the same may be, or at the business office of such company.

Sec. 3. Any meeting of stockholders called and notified, as herein required, may be adjourned to any time not exceeding sixty days thereafter, or to any specified place, without any further or other notice than the vote of a majority in interest, represented and voting thereat.

Sec. 4. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Approved March 27, 1867.

[No. 175.]

AN ACT to amend section eight, of act number two hundred and thirty-one, of the session laws of eighteen hundred and sixty-three, relative to proceedings by garnishment.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section eight, of act number two hundred and thirty-one, of the session laws of eighteen hundred and sixty-three, be amended so as to read as follows:

Act amended.

Sec. 8. Said act is hereby further amended, by adding a new section thereto, to stand as section forty-nine, as follows:

Bonds to stay proceedings of garnishment.

Sec. 49. The principal defendant in any such action, wherein process of garnishment shall be commenced, may at any time after service of such process, and previous to the rendering of judgment thereon, file with the clerk of the court his bond, with at least two sufficient sureties, to the plaintiff as obligee, in a penal sum equal to double the amount of the claim of the plaintiff, as sworn to in the affidavit filed for the writ of garnishment, and with conditions to pay any judgment obtained against the defendant or defendants in such action, and abide the order of the court therein, and which bond and the sureties thereof, shall be previously approved by the judge of the court, or circuit court commissioner, on a notice of at least twenty-four hours, to the plaintiff or his attorney, of the time and place of presenting such bond for approval; and if neither the plaintiff nor his attorney shall reside within thirty miles of the place so named, such notice shall be a notice of at least two days, and at least one day shall be added to such notice, for each additional thirty miles of distance; and such judge or commissioner shall examine the defendant and sureties on oath, as to their sufficiency and responsibility, and may take

Bond approved.

Notice to plaintiff.

Defendant and surety examined.

other evidence in relation thereto, in his discretion, as either party may offer.

On filing such bond so approved, with the clerk of the court, the proceedings of garnishment shall be thereby discontinued, and the costs thereof shall abide the event of the principal suit; and if the plaintiff shall recover judgment against the principal defendant, on application to the court, execution thereon may be ordered to issue against the sureties in such bond, as well as the defendant. Whenever any proceedings in garnishment shall be discontinued, by reason of the filing of such bond, as above provided, the clerk of the court shall forthwith notify the attorney for the plaintiff in such suit, of the filing of such bond, and such attorney shall, within twenty-four hours after the receipt of such notice from the clerk, give notice in writing, to the persons against whom process of garnishment shall have been issued, that the proceedings in garnishment in such suit have been discontinued, which notice shall be served upon the attorney for the garnishee, if he shall have appeared by attorney, otherwise upon the garnishee, and may be served in the same manner as other notices are required to be served.

Filing of
bond dis-
continues
proceedings

Sureties lia-
ble to an
execution.

Notice to
persons
garnisheed.

Approved March 27, 1867.

[No. 176.]

AN ACT to amend section seven, of chapter seventy, of the revised statutes, being section twenty eight hundred and eighty-three, of the compiled laws, in regard to special administrators.

SECTION 1. *The People of the State of Michigan enact*, That section seven, of chapter seventy, of the revised statutes, being section twenty-eight hundred and eighty-three, of the compiled laws, be amended so as to read as follows:

(2883.) Sec. 7. Such special administrator shall not be liable to an action by any creditor, or to be called upon in any other way, to pay the debts against the deceased, except on special

Section
amended.

Administra-
tor not lia-
ble except
on decision
of judge.

application of any creditor the judge of probate may, for special reasons, on the usual notice in such cases, allow any one or all claims against such estate, to be proved before him; and if so proved, said judge of probate may order and direct the payment by said special administrator, of all or any of such claims so allowed by him.

Approved March 27, 1867.

[No. 177.]

AN ACT to amend chapter thirty-nine, of the compiled laws, in regard to the support of the poor, by adding a new section thereto.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That chapter thirty-nine, of the compiled laws, be amended by adding a new section thereto, to stand as section fifteen, as follows:

Paupers
Personal
property
sold.

Sec. 15. When any personal property, other than personal clothing, shall have been brought to the poor house with any pauper, and the same shall come into the hands of the superintendents of the poor, it shall be competent for the superintendents of the poor, on application to any justice of the peace of the county in which said poor house is situated, on proof of the facts before said justice, to obtain an order for the sale of any personal property that such pauper may own, at public auction, of all or any of such personal property, for the support

How sold.

of such pauper; whereupon, it shall be competent for such superintendents of the poor to sell the same at public auction,

Proceeds.

giving the same notice as is required on constable's sales, and the proceeds of said sale shall be placed by said superintendents

Right to
proceeds re-
leased.

in the treasury of the county. It shall be lawful for the person to whom said property shall belong at the time of said sale, when he shall cease to be a county charge, to apply for the payment of the proceeds thereof to said superintendents of the poor, who are authorized to draw their order on said treasurer for so much of such amount as shall not have been expended for the maintenance of said owner or his family, and said

treasurer shall pay the same to the person entitled thereto: *Provided*, That in no case shall the property of any insane pauper be sold, until the disease of such pauper shall be pronounced by the medical superintendent of the State Insane Asylum to be a case of incurable insanity. Proviso. Incurable insanity.

Approved March 27, 1867.

[No. 178.]

AN ACT to provide for the improvement of the Saginaw river, and to authorize the cities of Saginaw, East Saginaw, the townships of Zilwaukie, Buena Vista, Carrolton and Spaulding, in Saginaw county, to raise money by tax in aid thereof.

SECTION 1. *The People of the State of Michigan enact*, That the cities of Saginaw and East Saginaw, the townships of Zilwaukie, Buena Vista, Carrolton and Spaulding, in Saginaw county, are and each of them is authorized, to raise by tax, such sum and sums of money as the common council of said cities, and the township board of said townships, may, from year to year, determine to be necessary to expend for deepening the channel of Saginaw river, in Saginaw county, and the improvement of the navigation thereof, not exceeding in any one year, two per cent. for the first year, and after that, one per cent., on the assessed valuation of the property, real and personal, of such city or township, as shown by the assessment roll for the year next preceding that in which the money is raised: *Provided*, That the raising of such tax shall be submitted to a vote of the tax paying electors of such cities and townships, as hereinafter provided; and no such tax shall be raised under the provisions of this act, unless a majority of the votes given shall be in favor thereof. How determined. Limit. Proviso.

Sec. 2. The common council of said cities, and the township board of said townships, shall in each year in which it is proposed to raise money, by tax, for the purpose aforesaid, in such city or township, and at least ten days before the annual charter election in such city, or the annual township meeting of such Amount of tax recorded.

township, to be held therein, declare by resolution, to be entered in full on their records, the amount of money such common council or township board shall determine it is necessary to raise, by tax, for such purpose in that year.

Publishing
determina-
tion to tax.

Sec. 3. Whenever the common council of either of said cities or township board of either of said townships, shall determine to raise money by tax, as herein provided for, they shall, at least ten days before the annual charter election in said city, or the annual township meeting in such township, cause a notice, either printed or written, to be posted in at least three public places in such city or township, stating the amount of money to be raised by tax for that year, the purpose for which it is to be raised, and that the question of raising the same will be submitted to the electors of such city or township, at the next charter election of such city, or the annual township meeting of such township.

Question
submitted
to electors

Description
of ballots.

Sec. 4. At such election the common council of such city, and the township board of such township, shall provide the electors thereof with a suitable number of printed or written, or partly written and partly printed ballots; those for raising such tax shall have thereon the words, "for tax to improve river—yes;" those against such tax shall have thereon the words, "for tax to improve river—no;" and shall also provide a separate ballot box for the reception of such ballots at such election; and such vote of the electors of such city or township shall be taken, canvassed, certified and returned by the same officers and in the same manner as other votes cast are taken at such election.

How vote is
taken.

If for tax,
manner of
collecting.

Sec. 5. If a majority of the votes cast at such election shall be in favor of such tax, then the common council of such city, and township board of such township, shall cause the amount so determined to be raised to be collected in the same manner as other city or township taxes; but if a majority of the votes cast at such election be against such tax, then no tax for such purpose shall be raised for that year.

If against.

How money
shall be
expended.

Sec. 6. All moneys raised under the provisions of this act, shall be expended by and under the direction of the common

council or township board in which the same shall be raised, and for such purpose such council or board may appoint such agent or agents to expend the same as may be deemed proper; and may purchase such dredge or dredges, or other means, or join with any one or more of said cities or townships in the purchase and ownership of such dredge or dredges, or other machinery or means for deepening the channel of said river, or other improvement of the navigation thereof; and when such dredge or dredges shall be purchased and owned, agree with such other city or cities, township or townships, as to the management and disposition thereof.

Sec. 7. Before any person appointed to expend or superintend the expenditure of any money raised under the provisions of this act, shall enter upon the discharge of his duties under such appointment, he shall give a bond to such city or township for which he is appointed, with such sureties as the common council or township board shall approve, in a penal sum to be fixed by such council or board, not less than double the amount of money raised and to be expended by him, for the faithful discharge of his duties.

Sec. 8. Any agent appointed by such council or board may be removed at any time, and another appointed in his place, by a like vote required for his appointment.

Sec. 9. This act shall take immediate effect.

Approved March 27, 1867.

[No. 179.]

AN ACT to amend section five hundred and eighty-seven, being section ninety-five, of chapter twelve, of compiled laws, relative to the compensation of certain township officers.

SECTION 1. *The People of the State of Michigan enact, That* section five hundred and eighty-seven, being section ninety-five, of chapter twelve, of compiled laws, be amended so as to read as follows:

Officers
compensa-
ted.

(587.) Sec 95. The following township officers shall be entitled to compensation at the following rates, for each day actually and necessarily devoted by them to the service of the township, in the duties of their respective offices, to be verified by affidavit, whenever required by the township boards—

Rate.

First. The officers composing the township board, board of registration, board of health, inspectors of election, clerks of the poll, commissioners of highways and school inspectors, one dollar and fifty cents per day, and at the same rate for parts of days.

Rate.

Second. The township clerk, as clerk of the board of commissioners of highways, of the township board, and of the board of school inspectors, one dollar and fifty cents per day, and at the same rate for parts of a day; but no township officer shall be entitled to pay for acting in more than one capacity at the same time.

Sec. 2. This act shall take immediate effect.

Approved March 27, 1867.

[No. 180.]

AN ACT to amend an act entitled “an act to provide for the incorporation of masonic lodges,” approved March 10, 1865.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections four, five, seven and eight, of an act entitled “an act to provide for the incorporation of masonic lodges,” approved March 10, 1865, be and the same are hereby amended so that said sections shall be and read as follows:

Corporation
to erect and
own.

Sec. 4. Every corporation formed in pursuance of this act, may erect and own such suitable edifice, building or hall as to such corporation shall seem proper, with convenient rooms for the meetings of the masonic fraternity, and for that may create a capital stock of not more than seventy-five thousand dollars, to be divided into shares of not more than fifty dollars each, and may take, receive, purchase and hold, in its corporate ca-

Capital
stock, limit
of.

capacity, real and personal estate, and the same or any part thereof, demise, convey, mortgage, use and dispose of at pleasure; and any such corporation may take, purchase, hold and own such suitable lot or parcel of ground as may be convenient for the purpose of a cemetery; and may make all lawful rules and regulations for the disposition of lots and the burial of the dead therein, as to such corporation may seem proper.

Sec. 5. The stockholders, each of whom shall be entitled to one vote for each share of stock held by him, may elect from their number a board of trustees, of not less than six nor more than nine members, a majority of whom shall form a quorum; and the trustees shall appoint from their own number a president, secretary and treasurer, who shall perform the duties of their offices in accordance with the rules and regulations which may be prescribed by the board of trustees.

Sec. 7. Every corporation organized under and in pursuance of this act, shall have full power and authority to provide by its by-laws, from time to time, for the election from its members of such other officers of the corporation, under and by such name and style as shall be in accordance with its masonic constitution; and instead of appointing a board of trustees to have the management and control of its property, interests and affairs, as provided in sections five and six of this act, may, if the corporation so choose, provide in its by-laws that the property, affairs and interests of the corporation shall be managed and controlled by such persons or officers of the corporation, or in such manner as the corporation shall from time to time provide for that purpose in such by-laws; and the corporation may enact all such by-laws, rules and regulations as may be necessary for its government, and for the care and management of its property, affairs and interests, and to carry into effect the powers and privileges in this act granted, and may alter and amend the same at pleasure: *Provided*, That in all cases where such corporation shall choose to appoint a board of trustees, to have the management of its property and affairs, such board

May own ground for cemetery.

Elect trustees.

A quorum.

Elect officers.

Powers of by-laws.

Trustees not necessary.

Proviso.

shall have the powers and the management and direction of the interests and property of the corporation, as provided in said sections five and six of this act.

Shall pay
specific tax
on income.

Sec. 8. All corporations organized under this act, owning or holding any building or premises with rooms or halls for the meetings of the masonic fraternity, and receiving any rents or income therefrom, shall pay annually, in the month of April, in each year, to the State Treasurer a specific tax of one per cent. on the income received from such building or premises, for the year ending on the first day of April aforesaid, which shall be in lieu of all other taxes on the property of such corporation. All corporations formed under this act shall be subject to the provisions of chapter seventy-three, of the compiled laws of this State, so far as the same may be applicable to corporations formed under this act; and the Legislature may alter or amend this act at any time.

Sec. 2. This act shall take immediate effect.

Approved March 27, 1867.

[No. 181.]

AN ACT relative to liens of mechanics and others, in the counties of Lenawee and Ingham.

Right of
mechanics
to a lien on
property in
Lenawee
and Ingham
counties.

SECTION 1. *The People of the State of Michigan enact, That* any person who shall hereafter perform labor or furnish labor, materials or machinery, for erecting, constructing, repairing, improving or altering any house or other building or structure, or the appurtenances to any house or other building or structure, in the counties of Lenawee and Ingham, by virtue of an agreement with or by consent of the owner of such house or other building or structure, or his agent, may claim and acquire a lien, in the manner hereinafter provided, for the value of such labor, materials or machinery upon such house or other building or structure and appurtenances, and upon the lot or parcel of land, not exceeding eighty acres, on which the same stands, to the extent of the right, title and interest of such owner.

Sec. 2. If any person who shall have commenced to perform or furnish any such labor, materials or machinery, under any such agreement or consent as is mentioned in section one, shall claim a lien under the provisions of this act for the value of the labor, materials or machinery, performed or furnished, or to be performed or furnished, such claimant or some one in [his behalf may at any time during the progress of such labor, or during the time that such labor, materials or machinery are being furnished, make a "claim of lien," in writing, setting forth therein the names of the claimant and of the owner, if known, for whom such labor, material or machinery is being performed or furnished, and that the claimant has commenced such labor, or is furnishing such labor, materials or machinery, and describing the lands and premises upon which the lien is claimed, and that a lien is claimed thereon under the provisions of this act; which claim of lien shall be filed in the office of the register of deeds of the county where such lands are situated; and within sixty days after the claimant has ceased to perform the labor or furnish the materials, labor or machinery for which such lien is claimed, and before commencing proceedings to enforce the lien, the claimant or some one in his behalf shall make an account for such labor, materials or machinery, and annex thereto an affidavit showing the amount due or owing to the claimant therefor, as near as may be, over and above all legal set-offs, and file the same in said register's office, and thereupon the register shall attach such account and affidavit to said claim of lien on file, and record said claim of lien in a book to be kept in his office for that purpose.

Right to
"Claim of
Lien."

Statements
in the
"claim."

Where
filed.

Affidavit
to be filed
in Register's
Office.

Duty of
Register

Sec. 3. If any person who shall have performed or furnished any such labor, materials or machinery, under or by any such agreement or consent, as is mentioned in section one, shall claim a lien therefor under the provisions of this act, such claimant, or some one in his behalf, shall, within sixty days after furnishing such materials or machinery, or furnishing or performing such labor, make an account for such labor, materials or machinery, and annex thereto an affidavit, showing the

Claimant's
account.

amount due or owing to the claimant therefor, as near as may be, over and above all legal set-offs; and shall also make and annex to such account and affidavit a "claim of lien," in writing, setting forth therein the names of the claimant and of the owner for whom such labor, materials or machinery were furnished or performed, and the amount claimed therefor, as shown by said affidavit referring thereto, and describing the lands and premises on which the lien is claimed, and that a lien is claimed thereon under the provisions of this act, which said account, affidavit and claim of lien shall, within said sixty days, be filed in the office of the register of deeds of the county where said lands are situated, and thereupon the said claim of lien shall be recorded as provided in section two.

Sec. 4. The register of deeds shall certify upon every claim of lien and affidavit filed in his office, as herein provided, the day and hour when the same were received and filed, and the book and page where said claim of lien is recorded, and for recording such claims he shall be entitled to receive the same compensation by the folio as for recording deeds and mortgages; he shall also enter in an index, in alphabetical order, the names of all persons against whom any claim of lien is filed, and shall also enter in proper columns opposite to the name of the owner, the name of the claimant, and the date of filing and place of recording such claims, but it shall not be necessary to record any of the papers so attached to any such claims of lien.

Sec. 5. Upon filing any claim of lien in the register's office as herein provided, the claimant shall have a lien upon the lands therein described and the appurtenances thereto, including the buildings thereon, for the amount due or owing to him, or which shall accrue to him, or to which he may become entitled for the work and labor bestowed or to be bestowed thereon, and for the materials or machinery furnished or to be furnished therefor, to the extent of the estate, title and interest of the owner for whom such labor, materials or machinery were or are being

Affidavit
annexed.
"Claim of
Lien"
annexed.

Filed.

Recorded.

Register of
deeds
certificate

Contents.

His compen-
sation.

Duty.

Papers
attached to
"claim of
lien" not
recorded.

Claimant's
lien in filing
claim

furnished or performed. And the filing of such claim of lien in the register's office, as aforesaid, shall be deemed to be notice to all persons of such lien, and of the claimants' rights thereunder, and every such lien shall have precedence and priority from the date of the filing of the claim of lien.

Sec. 6. No inaccuracy in any claim of lien, or in the affidavit annexed thereto, as to the name of the owner, or in the description of the land to be covered by the lien (if the same can be ascertained with reasonable certainty from such description,) or as to the amount due or owing to the claimant, shall invalidate the lien, unless such inaccuracy or misstatement was made willfully and with a fraudulent intent.

Sec. 7. Every lien acquired under the provisions of this act shall be dissolved at the expiration of six months after the time when the money or amount for such labor, materials, or machinery, or the last installment thereof, shall become due and payable, unless proceeding for collecting such amount, and for enforcing the lien, shall have been commenced within the said six months.

Sec. 8. Suit may be commenced for the collection of any sum due and payable for any such labor, materials or machinery, and to enforce the lien therefor created by this act, by filing a declaration in the circuit court for the county where the lands are situated, and entering a rule to plead in the same manner as in suits in actions of assumpsit commenced by the filing of declaration in said court.

Sec. 9. The plaintiff in such action may declare on the money counts alone, and shall attach to such declaration a bill of the particulars of his demand for the labor, materials or machinery, set forth in the account attached to the claim of lien filed in the register's office, and an affidavit of the amount or balance due therefor, as near as may be, over and above all legal set-offs, and a notice also to the defendant that said declaration is filed to recover the amount or balance due for the work, labor, materials or machinery set forth in the bill of

Filing of claim due notice, and establishes priority.

Inaccuracy does not invalidate.

Proceedings to enforce commenced within six months.

Suits to enforce as in actions of assumpsit.

Affidavit of particulars attached to declaration

Notice of declaration sent defendant.

Contents of notice. particulars annexed and referring thereto, and to enforce the lien claimed therefor, setting forth the date of the filing of said claim of lien, and a description of the premises upon which said lien is claimed; and upon the trial of the cause or assessment of damages, the plaintiff may, under such declaration, notice and bill of particulars, give evidence of any facts necessary to establish his demand and said lien; a copy of said declaration, notice and bill of particulars, together with a notice of said rule to plead, shall, within twenty days after filing said declaration, be served on the defendant if to be found within the county, and such service and proof or return thereof shall be made in the same manner as in actions of assumpsit commenced by the filing of declaration.

Plaintiff's facts in evidence.

Notice served on defendant within twenty days as in action of assumpsit.

Case of absence of defendant from county. Sec. 10. In case it shall be made to appear by affidavit filed in the cause, that such declaration could not be personally served upon any defendant by reason of his absence from or not being found in the county, within said twenty days, said plaintiff shall within fifteen days thereafter cause a notice to be published in some newspaper printed in said county, setting forth the time of the commencement of the suit, the names of the parties, the amount claimed, and that a lien is claimed therefor upon said premises, describing them; such notice shall be published in said paper for four successive weeks, and the publication thereof as herein required shall be deemed to be a service of said declaration upon such absent defendant, and proof by affidavit of such publication shall be filed in the cause.

Notice to be published.

Publication decreed a serving of notice.

Plea and notice filed before entry of default. Sec. 11. Any defendant may at any time before the entry of his default, file his plea in the cause with a notice of his defense to the action, or to the lien, or both, and shall attach thereto a bill of the particulars of his set-off, if any, and shall serve a copy of such plea, notice and bill of particulars on the plaintiff or his attorney.

Plea and notice not filed. Sec. 12. If any defendant shall not file his plea and notice of defense, and serve a copy thereof on the plaintiff, within twenty days after being served personally, or by publication, with a

copy of the declaration as hereinbefore provided, his default may be entered as in other cases in actions of assumpsit.

Sec. 13. All pleadings and proceedings may be amended upon the same terms and under the same rules as in actions in other cases, and before trial the court may for reasonable cause and upon such terms as shall be just, set aside any default and allow the defendant to appear and put in his defense in the suit. Entry of default set aside.

Sec. 14. Whenever any such cause shall be in readiness for trial or for an assessment of damages, the same may be brought to trial, and the plaintiff's damages may be assessed therein, in the same manner as in actions of assumpsit in other cases; and all the proceedings in every such suit, and in the trial thereof and assessment of damages to and including the rendition of judgment and the issuing and service of execution, shall be the same in all respects, as near as may be, as in actions of assumpsit in other cases, except as herein otherwise provided. Tried and acted upon as in actions of assumpsit.

Sec. 15. If the plaintiff shall recover upon his demand, and if he shall establish his lien upon the premises described in the notice annexed to his declaration, or upon any part thereof, the premises found to be subject to the lien shall be described and designated in the judgment, and such judgment shall be a lien upon the premises therein described, and shall continue so to be until the judgment is satisfied or the premises sold in satisfaction thereof. Cost shall be awarded and collected as in actions of assumpsit in other cases. Judgment for plaintiff a lien upon premises.

Sec. 16. If, upon the trial, the plaintiff shall appear to be entitled to recover upon his demand, but shall fail to establish his lien, the suit shall not be dismissed for that cause, but he may proceed to judgment for the recovery of his demand against the debtor. Costs. When plaintiff is entitled to recover and has not established lien.

Sec. 17. Executions upon every such judgment as above mentioned, shall be in the same form as executions upon judgments in actions of assumpsit in other cases; and in case any defendant was not personally served with a copy of the decla- Executions upon judgments as in actions of assumpsit.

Levy only on property subject to lien.

ration, or did not appear in the cause, the attorney, clerk or court issuing such execution, shall indorse thereon the name of such defendant, and a direction to the sheriff not to levy the execution upon the sole property of such defendant other than the property subject to the lien.

When any property may be levied upon.

Sec. 18. Such execution may be levied upon the property and premises subject to the lien, and upon any other property and effects liable to execution belonging to any defendant who appeared in the cause, or was personally served with a copy of the declaration.

Executions as in other cases of sale upon execution.

Sec. 19. All lands and property seized upon any such execution, shall be sold in the same manner and on the same notice, and may be redeemed in the same manner and within the same time; and if not redeemed, shall be conveyed by the sheriff, in the same manner and within the same time, as in sales upon executions issued on judgments in other cases; and the sheriff's deed of any lands sold in execution to enforce any lien created by this act, shall convey to the purchaser or grantee the same title, interest and estate therein as was held by the owner at the time of the filing of the claim of lien thereon.

Sheriff's deed same title as the owner's at time of filing.

Surplus.

Sec. 20. After the satisfaction of the plaintiff's judgment and costs, if there shall be any surplus remaining from the proceeds of the sale of the lands and premises subject to said lien, the same shall be paid into court; and in case said lands and premises were subject to other liens and incumbrances subsequent to the lien of the plaintiff, such proceeds or so much thereof as may be necessary for that purpose, may, on the order of the court, be applied in satisfaction of such subsequent liens and incumbrances, in the order of their priority, and the balance paid to the owner or person entitled thereto. And said surplus, may, upon the application of such subsequent lien-holders or incumbrancers, be retained in court until such time as they may be enabled to establish their claims thereto.

How applied.

How long in court.

Plaintiff's notice.

Sec. 21. The plaintiff may annex to the notice filed with his declaration the names of all persons who have any claims or liens subject or subsequent to the plaintiff's lien on the premises

affected thereby, and shall, within twenty days after the filing of his declaration, serve a notice upon such persons, if to be found within the county, of the pendency and purpose of the suit; but if any such person shall not be served with said notice, When absent from county. by reason of his absence from or not being found within the county within said twenty days, the plaintiff shall, within fifteen days thereafter, cause a notice, such as is provided in section ten, to be published for the time and in the manner as is in said section provided, which publication shall be deemed to be a service upon such persons of notice of the pendency of the suit; and every such person, and every other person having Other persons' claims any interest in or claim upon the premises subject or subsequent to the lien of the plaintiff, may, within twenty days after being served personally or by publication as aforesaid, with notice of the pendency of the suit, or within such other time and upon such terms as the court shall prescribe, file a notice in the cause, and serve a copy thereof upon the plaintiff, setting forth any defense that there may be to the plaintiff's demand, or to the lien claimed by him; and every person filing Plaintiff as defendant. and serving such notice, may, upon the trial of the cause, contest the plaintiff's demand and the lien claimed by him, upon any of the grounds set forth in the notice, and in the same manner as if such person was made a defendant in the suit.

Sec. 22. Guardians *ad litem* may be appointed for infant defendants, the same as in personal actions; and if any person Guardians for infant defendants. served personally or by publication with notice of the pendency of the suit, as in the preceding section provided, or putting in any notice of defense as aforesaid, shall be a minor, the court or a circuit court commissioner of the county shall appoint some suitable person to act as guardian *ad litem* for such minor in his defense to the suit; such appointment shall be made By whom appointed. within the same time and in the same manner as in the appointment of guardians *ad litem* for minors in personal actions. The court may make such rules and regulations for the proceedings in suits to enforce liens created by this act as may be When made Court regulates proceedings. expedient.

Only defendants affected.

Sec. 23. No person excepting such as are made defendants in the suit, and excepting such as are served personally or by publication as hereinbefore provided, with notice of the pendency of the suit, or who shall upon the trial contest the plaintiff's demand or lien, shall be affected or prejudiced by the suit or proceedings to enforce the lien.

Demands.

Not prejudiced.

Sec. 24. In any suit to enforce any lien created by virtue of this act, the plaintiff shall not include any demand except such as is claimed to be secured by the lien, and if the plaintiff has other demands against the defendant, he shall not in any suit for the recovery thereof be in any manner prejudiced by reason of the former suit to enforce the lien.

Persons included in word "owner."

Sec. 25. Every person, (including also every *cestui que trust*), for whose immediate use, enjoyment or benefit any building, erection or improvement is made, materials or machinery furnished, or labor performed, shall be included by the word "owner," under the provisions of this act.

When suit shall be entered in register's office

Sec. 26. Immediately upon the commencement of suit to enforce any lien hereinbefore mentioned, the plaintiff shall file in the said register's office a notice of the pendency and time of commencement of the suit, and the register shall, immediately upon the receipt of such notice, enter in an appropriate column, and opposite to the name of the claimant, in the index to the record of the claim of lien, the date of commencing such suit; and whenever a certificate of discharge of the lien shall be made or filed in the register's office, the register shall enter in another column of said index the date of such discharge.

When discharged.

When heirs may not be parties to suit.

Sec. 27. In case of the death of the claimant of the lien or the owner of the premises affected thereby, whether before or after suit brought to enforce the lien, the executor or administrator of the deceased party shall be made plaintiff or defendant as the case may require, and it shall not be necessary to make the heirs or devisees of such deceased person parties to such suit; but if there is no executor or administrator of such deceased person, then his heirs or devisees may be made parties to such

When they may be.

suit, and if any such heirs or devisees are minors the judgment and proceedings in such suit shall be as binding upon them as if they were over the age of twenty-one years; and in case judgment in any such suit shall be recovered only against the executor, administrator, heirs or devisees of the owner of the premises, the execution issued thereon shall be levied only upon the property affected by the lien, and in no case mentioned in this section shall the execution be levied upon any other property in the hands of the executor or administrator, or belonging to the heirs or devisees of the deceased owner of the premises, excepting the premises affected by the lien.

Judgment binding on heirs in minority. Execution only on property affected by lien.

Sec. 28. Whenever the amount secured by any of the liens hereinbefore mentioned, shall be paid or satisfied, the claimant shall, in the presence of the register of deeds, sign and acknowledge a certificate of the satisfaction thereof, on the margin of the record of the claim of lien, or shall execute, acknowledge and deliver to the owner or other person interested in the premises, a certificate of the satisfaction and discharge of the lien, which certificate may be recorded in the same manner as the claim of lien is recorded. And every lien-holder, who having received satisfaction of his lien, shall for ten days after being requested so to do, by any person having an interest in the premises, neglect or refuse to discharge said lien, shall be liable to the owner or person interested in procuring a discharge of the lien, in the sum of one hundred dollars, to be recovered in an action on the case.

When amount secured by lien is paid. When certificate is recorded. To whom delivered.

Sec. 29. Every mechanic or other person doing or performing any work towards the erection or repair of any building or premises, or the appurtenances thereto, erected, improved or repaired, under an agreement between the owner thereof and builder or other person, whether such work shall be performed as journeyman, laborer, carman, sub-contractor or otherwise, and any person who shall furnish materials to such builder or contractor for the construction, repair or improvement of any such building, premises or appurtenances, whose demand for work so done, or materials so furnished, has not been paid or

How laborers, sub-contractors, etc., may collect their dues

Send affidavit of account to owner and notify that he is held responsible.

Amount unpaid retained from payment to builder

Owners notice to builder of such account.

Builders notice to dispute served within ten days, or considered as assenting

Owner pays

When builder disputes claim.

Laborer must sue within thirty days.

When account is adjusted builder shall pay within ten days.

satisfied, may make an account of the work and labor performed, or the materials thus furnished, and attach thereto an affidavit of the amount due and unpaid thereon, and a notice to the owner that he is held responsible for the payment thereof, and shall deliver two copies of such account, affidavit and notice, to the owner or his agent; and thereupon the owner shall retain out of his subsequent payments to the builder or contractor the amount unpaid for such work and labor or materials, for the benefit of the person performing or furnishing the same.

Sec. 30. Whenever any copies of an account for labor performed or materials furnished, as mentioned in the preceding section, shall be placed in the hands of the owner of any building or premises, or in the hands of his agent, as above provided, such owner or agent shall deliver one copy of such account, affidavit and notice to his builder or contractor, so that the builder or contractor may adjust the amount with his creditor; and if the builder or contractor shall not within ten days after the receipt of the copy of such account, give to the owner written notice that he intends to dispute the claim, he shall be considered as assenting to the demand, and when the same shall become due, the owner shall pay the demand or so much thereof as the amount owing by the owner to the contractor, at the time of service of the copy of the account on the owner or his agent and subsequently accruing to the contractor, will pay thereof.

Sec. 31. If the builder or contractor shall dispute the demand of his creditor, as set forth in the account served upon the owner as above provided, the journeyman laborer or other person performing the labor or furnishing the materials, shall within thirty days after his demand against the builder or contractor shall become due and payable, proceed by arbitration or by suit against the builder or contractor, to establish his demand set forth in said account.

Sec. 32. When the account shall be adjusted between the builder or contractor and his said creditor, or shall be established against the contractor, or by arbitration or by judgment, and the

contractor or builder shall not, within ten days after it is so adjusted or established by arbitration or judgment, pay the same to the creditor with the costs incurred, the owner shall pay the same out of the fund as above provided; and which amount may be recovered from the said owner by the said creditor of the said contractor or builder in an action for money had and received to the use of the said creditor, and to the extent in value of any balance due or owing from the owner to the builder or contractor, under the agreement with him at the time of the service of the copy of said account upon the owner as aforesaid, or subsequently accruing to said contractor or builder under the same agreement, not exceeding, however, the amount due to said creditor.

Owner pays from aforesaid fund.

Creditor may receive from owner or builder in action for money.

To what amount.

Sec. 33. If by collusion the owner of any building or premises erected, repaired or improved, by agreement, shall pay to his contractor or builder any money in advance of the time when the same would be due on said contract or agreement, and if the account still due or owing to the contractor after such payment made shall be insufficient to satisfy the demand made in conformity with the provisions of this act for labor done, materials furnished to the contractor or builder for the erection, repair or improvement of such building or premises, the owner shall be liable to the contractor furnishing such labor or materials to the contractor, to the amount that would have been due at the time of his receiving the copies of said account, affidavit and notice, in the same manner as if no such payment had been made.

Collusion between owner and builder, or payment in advance, or insufficient balance.

Owner liable.

To what amount.

Sec. 34. This act shall take immediate effect.

Approved March 27, 1867.

[No. 182.]

AN ACT to authorize the Jackson, Lansing and Saginaw railroad company to acquire rights of way in certain cases, and granting right of way to said company over the unimproved lands belonging [to] this State.

Right of
way.

SECTION 1. *The People of the State of Michigan enact*, That the right of way, not exceeding six rods in width, through any of the unimproved lands belonging to or held by the State of Michigan, is hereby granted to the Jackson, Lansing and Sag-

Right to en-
ter and pro-
cure earth.

inaw railroad company, and it shall be lawful for the board of control of railroads in this State, at its discretion, and upon such terms as said board shall deem proper, to grant to said company the right to enter, by its workmen and employees, upon any lands of this State, held in trust or owned as afore-said, for the purpose of procuring earth or other materials necessary for constructing, repairing or rebuilding its road; said board of control may also grant to said company any lands owned or held in trust by the State, which said company may need for depot grounds and structures necessary and proper for the use, maintenance and operations of its railroad, upon such terms as said board of control shall deem reasonable and proper.

May receive
land grants.

How to ac-
quire title.

Sec. 2. In case said Jackson, Lansing and Saginaw railroad company is unable to agree for the purchase of any real estate, property or franchises required for the purposes of its incorporation, in Ingham, Clinton and Shiawassee counties, it shall have the right to acquire title to the same in the following

Petition
commis-
sioners.

or manner, viz: The said company may present a petition to any court of record for the county in which such real estate, property or franchise is situated, or to the judge of the circuit court for said county, during vacation, praying for the appointment of three commissioners. Said petition shall be in the name of the company, and shall be signed by one of the directors, or the engineer or attorney of said company, on its behalf, verified by the oath of the person so signing the same, and contain a description of the real estate, property or franchises, or so

Petition
shall set
forth.

much thereof as said company seeks to acquire under such petition in said county; and shall further set forth that said company is duly incorporated, that the property described in the petition is required for the purposes of constructing, operating, repairing or maintaining the said company's railroad or its appurtenances, and that the company has not been able to acquire title thereto, and the reason of such inability, and state the names and places of residence of the parties, so far as the same can with reasonable diligence be ascertained, who own, claim or have an interest in such property; and if such persons are infants, their ages as near as may be; and if any of them are idiots or persons of unsound minds, or are unknown, then such fact, together with any other facts in regard to incumbrances or otherwise, as said company shall see fit to state. A copy of such petition, and notice of the time and place when and where the same will be presented to said court or judge, must be served on all persons whose interests are affected by the proceedings, at least ten days prior to the presentation of the same to the court or to such judge, and the copy of such petition and notice shall be served and the same proceedings thereupon had as is prescribed in such cases in chapter sixty-seven, of the compiled laws of this State, and the acts amending the same, and with the same effect.

Property is required.

Names and residences of owners.

If infants, idiots or unknown.

A copy of petition served on persons interested.

Approved March 27, 1867.

[No. 183.]

AN ACT supplementary to an act entitled "an act to provide for the preservation of the Muskegon river improvement, and for other purposes," approved March thirteenth, 1867.

SECTION 1. *The People of the State of Michigan enact*, That the commissioner appointed under the provisions of act number sixty-seven, session laws of eighteen hundred sixty-seven, approved March thirteenth, eighteen hundred and sixty-seven, be and he is hereby authorized and empowered to take and have the supervision of the Muskegon river improvement, in so

far as to secure the navigation of said Muskegon river, at and through said improvement, to all boats, rafts and water crafts that may navigate said river.

Navigation
secured.

Sec. 2. To secure the navigation of said Muskegon river, at and through said improvement, the said commissioner is authorized to remove all saw logs, timber and rafts that may collect in said river within said improvement.

Obstruc-
tions re-
moved.

Sec. 3. To secure the provisions of section two of this act, the said commissioner is hereby authorized to remove, or cause to be removed, all obstructions caused by saw logs, timber and rafts of lumber below said improvement: *Provided*, That such saw logs, timber and rafts of lumber, either directly or indirectly, obstruct the passage of boats, rafts and other water crafts through said improvement.

Proviso

Expenses
incurred.

Sec. 4. The expenses incurred by said commissioner in carrying out the provisions of this act, to be paid out of the fund arising from the tolls collected under the provisions of this act, to which this act is supplementary.

Duty of
commis-
sioner.

Sec. 5. It shall be the duty of such commissioner to present all claims for expenses incurred in carrying out the provisions of this act to the board of supervisors of the county of Muskegon, who shall, upon due proof, audit and certify the same, at such sum or sums as they may deem reasonable, which certificate shall be a voucher in the hands of such commissioner for so much of the moneys collected by him, under the provisions of the act to which this act is supplementary, and expended under the provisions of this act.

Sec. 6. This act shall take immediate effect.

Approved March 27, 1867.

[No. 184.]

AN ACT to amend act number fifty, of the session laws of eighteen hundred and sixty-four.

Act
amended.

SECTION 1. *The People of the State of Michigan enact, That* act number fifty, of the session laws of eighteen hundred and

sixty-four, relative to the East Saginaw and Junction State road, be amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact, That* ^{East Saginaw and Junction State road.} there shall be laid out and established, by one or more commissioners, to be appointed by the Governor, upon the most direct and eligible route, a road, commencing at the south-east quarter of section eighteen, in township twelve north, of range five east; and from thence running east on the section line to the north-west corner of section twenty-two, in township twelve north, of range six east; and thence north-easterly to the north-east corner of section thirteen, where the Watrousville State road intersects the county line; said road to be laid out and constructed under the provisions of act number one hundred and seventeen, of the laws of eighteen hundred and fifty-nine, and the acts amendatory thereof, and to be known as the East Saginaw and Junction State road.

Approved March 27, 1867.

[No. 185.]

AN ACT to prevent animals from running at large in the public highways.

SECTION 1. *The People of the State of Michigan enact, That* from and after the year one thousand eight hundred and sixty-seven, it shall not be lawful for any cattle, horses, sheep or swine to run at large in any public highway of this State: *Provided, That* this act shall be operative only in those counties ^{Proviso.} or parts of counties in which it shall be so determined by resolution passed by the board of supervisors of such county.

Sec. 2. In case the board of supervisors in any county shall ^{Supervisors prohibition.} pass a resolution prohibiting any of the classes of animals named in section one of this bill to run at large in the public highway, then, in such county, after the year one thousand eight hundred and sixty-seven, the following sections of this act shall be in full force; but otherwise, they shall be null and void.

Lawful to
seize on
highway or
private
premises.

Sec. 3. It shall be lawful for any person to seize and take into his custody and possession any animal which may be in any public highway, and opposite the land owned or occupied by him, contrary to the provisions of the foregoing section. And it shall be lawful for any person to take into his custody and possession any animal which may be trespassing upon premises owned or occupied by him.

Duty after
such seizure

Sec. 4. Whenever any such person shall seize and take into his custody or possession any animal under the authority of the next preceding section, it shall be the duty of such person to give immediate notice thereof to a justice of the peace or a commissioner of highways of the town, city or village in which

Commis-
sioner's no-
tice of sale.

such seizure and possession shall have been taken, and such justice or commissioner shall thereupon give notice by affixing the same in six public and conspicuous places in said town, city or village, one of which shall be the district school-house nearest the residence of such justice or commissioner, that such animal or animals will be sold at public auction, at some convenient place in said town, city or village, not less than thirty nor more than sixty days from the time of the affixing of such notice, to be specified in such notice; the same justice or commissioner shall proceed to sell the said animals for cash, and out of the proceeds thereof shall, in the first place, retain the following fees and charges for his services in giving

Fees of com-
missioner.

said notice and making said sale, viz: For every horse sold, one dollar; for every cow or calf, or other cattle, one-half dollar; and for every sheep or swine, twenty-five cents; and shall then pay to the person who shall have seized the said animal or animals, the sum following, that is to say: For every horse so seized or sold, one dollar; for every cow or calf, or other cattle, one-half dollar; and for every sheep, ten cents; for every swine, twenty-five cents; together with a reasonable compensation, to be estimated by such justice or commissioner, for the care and keeping of said animal or animals, from the time of the seizure thereof to the time of sale. If there shall be any surplus

money arising from said sale, the said justice or commissioner shall retain the same in his hands, and pay the same to the owner or owners of said animals, after a reasonable demand therefor and satisfactory proof of such ownership: *Provided*, Such owner or owners shall appear and claim such surplus moneys within one year after sale. And if the owner or owners of such animal or animals shall not appear and demand such surplus moneys within one year after such sale has been made, he shall be forever precluded from recovering any part of such moneys, and the same shall be paid to the treasurer of the town for the use of the town, and his receipt therefor shall be a legal discharge to said justice or commissioner: *Provided*, That any animal sold in pursuance of this act may be redeemed any time within the year following such sale, by paying the expenses of such custody and sale, and a reasonable compensation for keeping the same.

Disposal of surplus money if claimed within one year.

If not claimed.

Provide.

Sec. 5. Any owner of any animal which shall have been seized under and pursuant to the foregoing provisions, may at any time before the sale thereof, demand and shall be entitled to the possession of such animal, upon the payment by him of the several sums hereinbefore required to be paid to the said justice or commissioner, and to the person by whom the seizure aforesaid shall have been made, together with a reasonable compensation to the person making such seizure for the care and keeping of such animal, to be estimated and fixed by such justice or commissioner, and upon making to such justice or commissioner satisfactory proof of ownership. And if such owner shall make such demand and proof at least three days before the time appointed for such sale, he shall be entitled to the custody and possession of such animal, upon paying one-half of the several sums above mentioned, together with the whole amount of compensation awarded by the said justice or commissioner.

To obtain possession before sale.

Demand within three days of sale.

Sec. 6. In case the animal so seized under the foregoing provisions of this act, shall have been so running at large or tres-

When owner is not liable for fees.

Penalty for
willful acts
of other
parties.

passing by the willful act of any other person than the owner, to effect that object, such owner shall be entitled to the possession of such animal by making the demand therefor, and the proof required in the next preceding section, and paying to the person making such a seizure the amount of compensation fixed by such justice or commissioner, for the care and keeping of such animal, and without paying any other charges; and the person committing such willful act shall be liable to a penalty of twenty dollars, to be recovered in an action at law at the suit of the owner of such animal, or the person making such seizure.

Sec. 7. All acts or parts of acts inconsistent herewith are hereby repealed.

Territorial
limit.

Sec. 8. This act shall not apply to that portion of this State lying north of the tier of townships twelve north, unless so ordered by the board of supervisors of any county lying north of said tier of towns.

Approved March 27, 1867.

[No. 186.]

AN ACT to authorize dissection in certain cases, for the advancement of science.

From whom
physicians
may obtain
bodies.

SECTION 1. *The People of the State of Michigan enact*, That either of the following boards of officers, to wit: The board of health of any city, village or township in the State, the mayor and common council of any city, and the officer or board having direction or control of any prison, house of correction or jail in the State, may surrender the dead bodies of such persons as are required to be buried at the public expense, to any practicing physician in the State, to be by him used for the advancement of anatomical science, preference being always given to the faculty of the medical department of the University of Michigan, for their use in the instruction of medical students.

University
of Michigan
preferred.

Bodies not
surrendered

Sec. 2. No such dead body shall in any case be so surrendered if the deceased person, during his last illness, requested

to be buried, or if, within twenty-four hours after his death, any person claiming to be of kindred or a friend to the deceased, and satisfying the proper board or officers thereof, shall require to have the body buried, or if such deceased person was a stranger or traveler, who died suddenly before making himself known, but the dead body shall in all such cases be buried.

Sec. 3. It shall not be lawful for any person so receiving a ^{How used.} dead body to use the same except for the prosecution of anatomical science, or elsewhere than in this State; and after ^{How dis-} having been so used, the remains thereof shall be decently bur- ^{posed of.} ied; but in no case shall such dead body be so delivered when there are any friends or relations of such deceased person known to such board or officers.

Sec. 4. Any practicing physician or surgeon of this State, or ^{Permission} any medical student under the authority of such physician or ^{to possess.} surgeon, may have in his possession human dead bodies, or the parts thereof, lawfully obtained, for the purposes of anatomical inquiry or dissection.

Approved March 27, 1867.

[No. 187.]

AN ACT to amend section one, of an act entitled "an act relative to laying out, altering and discontinuing highways," approved March fifteenth, eighteen hundred and sixty-one.

SECTION 1. *The People of the State of Michigan enact, That* ^{Act} ^{amended.} section one, of an act entitled an act relative to laying out, altering and discontinuing highways, approved March fifteenth, eighteen hundred and sixty-one, be amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact, That* ^{Application} ^{to commis-} whenever any seven or more freeholders of any township shall ^{sioners.} wish to have a highway in any part of said township not included within the corporate limits of any city or village laid out, altered or discontinued, they may, by writing under their

Proviso.

hands, make application to the commissioners of highways of the township for that purpose, who shall proceed to lay out, alter or discontinue such highway, as hereinafter directed: *Provided*, That no such highway shall be laid out through any orchard which has been set out for the period of five years or more, without the consent of the owner thereof: *And provided further*, That no second application shall be made within twelve months for that purpose.

Proviso.

Approved March 27, 1867.

[No. 188.]

AN ACT further to amend an act entitled "an act to provide for the construction of train railways."

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections sixteen and twenty-nine, of an act entitled "an act to provide for the construction of train railways," being sections two thousand and eighty-two, and two thousand and ninety-five, of the compiled laws, be amended so as to read severally as follows:

Shares deemed personal property.

(2082.) Sec. 16. The shares of any company formed under this act shall be deemed to be personal property, and may be transferred as shall be prescribed by the by-laws of such company. The directors may at any time receive subscriptions to stock in such company, until the whole amount mentioned in the articles of association shall be subscribed; and whenever, in the judgment of said directors, it shall be necessary to increase the capital stock of any such company, for the extension or more perfect construction, equipment or furnishing of its railway, or to provide lands or buildings needful for its use, it shall be competent for such directors, with the approval or ratification of the holders of a majority of the capital stock, at any lawful meeting of stockholders, to provide for such increase; and in all cases where such capital stock has been heretofore increased, or shall hereafter be increased, a certificate thereof, signed and certified as hereinafter required in case of amend-

Whenever capital stock shall be increased

Certificate filed with Secretary of State.

ments to articles of association, shall be filed in the office of the Secretary of State.

(2095.) Sec. 29. Every company incorporated under this act may be dissolved, and their corporate franchises taken from them, if they fail within one year to enter upon the construction of their railway, and to expend within that time at least ten per cent. of the amount of their capital stock.

Sec. 2. Section thirty-four of said act, being section thirty-four, in act number fourteen, of the session laws of eighteen hundred and sixty-one, be and the same is hereby amended so as to read as follows, namely:

Sec. 34. All companies or corporations formed for such purposes shall have the exclusive right to use and operate any street railways constructed, owned or held by them: *Provided*, That no such company or corporation shall be authorized to construct a railway under this act through the streets of any town or city without the consent of the municipal authorities of such town or city, and under such regulations and upon such terms and conditions as said authorities may from time to time prescribe: *Provided further*, That after such consent shall have been given and accepted by the company or corporation to which the same is granted, such authorities shall make no regulations or conditions whereby the rights or franchises so granted shall be destroyed or unreasonably impaired, or such company or corporation be deprived of the right of constructing, maintaining and operating such railway in the street in such consent or grant named, pursuant to the terms thereof.

Sec. 3. Section thirty-six of said act, being a part of the amendatory act, approved February eighteenth, eighteen hundred and sixty-three, is amended so as to read as follows:

Sec. 36. In the articles of association of any company, formed for the construction and operating of a street railway in any city, it shall be a sufficient designation of the route or routes thereof, to declare that said railway is to be constructed and maintained in such streets or public ways of the particular city as has been, or shall thereafter from time to time be granted

Power to
amend-

to said company for that purpose by the proper municipal authorities of such city; and it shall be lawful to build, maintain or extend the railway of such company, according to the terms and conditions of such grant or grants. Any such company heretofore organized, may amend its articles of association to conform to this section, in the manner hereinafter provided for amendments.

Act
amended.

Sec. 4. Said act is further amended by adding thereto the three sections following, to stand severally as sections thirty-eight, thirty-nine and forty, to wit:

How arti-
cles may be
altered or
amended.

Sec. 38. Any company already organized or to be organized under this act may, from time to time, by a vote of the holders of a majority of the capital stock of such company, at any lawful meeting of the stockholders, alter and amend the articles of association of said company, in any or all of the following particu-

Particulars.

lars, namely: The amount of capital stock, the number of shares into which the same shall be divided, and the number of directors; and such alterations and amendments, when duly drawn up, certified and signed by the president and secretary of such company, sealed with its corporate seal, and filed in the office of the Secretary of State, shall become operative and have the same effect as are given by law to original articles of association.

When
amend-
ments be-
come opera-
tive.

Power to
lease.

Sec. 39. Any company already organized or to be organized, under this act, for street railway purposes, may, whenever the same shall be authorized or approved at any lawful meeting, by a vote of the holders of a majority of the whole capital stock, lease its railway, stock and appurtenances for the running and operating the same for any term, not exceeding ten years at any one time: *Provided*, That notwithstanding such lease, the company shall remain subject to all the corporate obligations and liabilities. No street railway shall be open to the use of any person for the running of cars thereon, except under the authority of the owners thereof.

Provide.

Cars opera-
ted by
steam.

Sec 40. The cars on the street railway of any company organized under this act, may be operated by steam, or by any power other than animal power, whenever the municipal author-

ities of the city where such railway is situated shall authorize the same.

Sec. 5. This act shall take immediate effect.

Approved March 27, 1867.

[No. 189.]

AN ACT to amend sections eleven hundred and thirty-five, eleven hundred and thirty-six and eleven hundred and thirty-seven, of the compiled laws, being sections four, five and six, of chapter thirty-eight, of said laws, in reference to the recording of town plats and the vacating of the same.

SECTION 1. *The People of the State of Michigan enact, That* Sections amended.
sections eleven hundred and thirty-five, eleven hundred and thirty-six and eleven hundred and thirty-seven, of the compiled laws, be and the same are hereby amended so that said sections shall read as follows:

(1135.) Sec. 4. That the circuit courts in and for the sev- Plats, when vacated.
eral counties are hereby authorized and empowered, on application made by any owner or owners of any part of a town within their proper county, to alter or vacate the same or any part thereof, as hereinafter provided; and the circuit courts are hereby authorized and empowered to vacate any town plat or any part thereof, upon the application of any prosecuting attorney of any county of this State, when such prosecuting attorney shall be directed to make such application by the board of supervisors of his county in the following cases, viz:
When a town plat has been or shall have been recorded without On unac-
having been properly executed or acknowledged, or for any known record tax
cause, legal and valid assessments of taxes cannot be made cannot be assessed.
upon the lots situated within the limits of such plat.

(1136.) Sec. 5. That if any owner or owners of any part of How owners may alter or vacate on petition.
a town shall be desirous of altering or vacating the same or any part thereof, it shall be lawful for such owner or owners, or the prosecuting attorney of the proper county, in the cases above specified, to petition the circuit court for the proper

Its contents. county, setting forth the particular circumstances of the case, and giving a distinct description of the property to be vacated or altered, the names of the persons to be particularly affected thereby, and the extent of their interest in that part of the

Its filing. town which it is proposed to alter or vacate, which petition shall be filed with the clerk of said court, thirty days previous to the sitting of the court to which he, she or they intend to make such application; and notice of the pendency of said pe-

Publishing notice. tition shall be given for the same space of time, by publishing the same in a newspaper printed in said county, and by posting up the same in three of the most public places in said town, containing a description of the property to be altered or vacated.

On hearing petition. (1137.) Sec. 6. That the hearing of said petition may be continued from term to term, in the discretion of the court, without further notice, and that on the hearing thereof, any person owning any part of said town immediately adjoining that part which it is proposed to alter or vacate, may appear in

Evidence of notice. opposition to such petition; and if upon such hearing the applicant or applicants shall produce to said court satisfactory evidence that the notice required by the preceding section of this act has been given, and that there is no reasonable objection to making such alteration or vacation, the court shall proceed to alter or vacate said town or village, or any part thereof, and the part vacated, if it be a lot or lots, shall vest in the rightful owner, and if the same be a street or alley, the same shall be attached to the lots or ground bordering on such street or alley, and the title thereto shall vest in the person or persons owning the property on each side thereof, to the center of such street or alley, except when a part of one or both sides of

Proceedings to alter, etc. a street or alley shall be vacated, then the part or parts vacated shall be attached to and the title thereof vest in the owner or owners of the lot or lots adjoining the same, and the court shall order their proceedings therein to be recorded by their clerk

How titles are vested. with the record of said court: *Provided*, That the vacating of any town or any part of the same shall not vacate any part of a

proviso

State or county road; and in all cases where by any of the laws of this State, or in pursuance thereof, any street or alley shall be vacated, the title to such street or alley shall vest in the person or persons who would be entitled to the same by the preceding provisions of this section, in case such street or alley had been vacated by the circuit court of the proper county under the provisions of this act as hereby amended.

Approved March 27, 1867.

[No. 190.]

AN ACT to provide for copying and binding mutilated assessment rolls and other papers.

SECTION 1. *The People of the State of Michigan enact*, That ^{Authorizing board of supervisors.} whenever, in the opinion of the board of supervisors of any county, in this State, from the defaced or mutilated condition of any assessment rolls, returns of township treasurers, or other papers on file, under the provisions of law, in the office of the treasurer of such county, and for their better preservation, it shall be necessary that the same be copied or bound, or both, that it shall be lawful and shall be the duty of such board of supervisors to authorize and order the copying or binding, or both, of such archives.

Sec. 2. Whenever the board of supervisors of any county shall order the copying of any rolls or other papers, as pro- ^{Copies to be made under oath.} vided in section one of this act, the treasurer of such county shall have the supervision of such work, and shall employ some proper person or persons to perform the same, who shall, before entering upon the discharge of such duty, subscribe an oath to perform the same in a true and faithful manner; and it shall be the duty of such county treasurer to compare all rolls or papers so copied, with the originals, and shall attach to each ^{Copies compared with original and certified to.} separate copy, roll or other paper, his certificate that the same is a true copy of the original roll or other paper, and that such copy was made by a person duly authorized under the provisions of law to make the same.

Received as
evidence.

Sec. 3. Any copy of any assessment roll, tax roll, township treasurer's return or other paper, made and certified under the provisions of this act, shall be valid and lawful as evidence in any court as the original would have been.

Approved March 27, 1867.

[No. 191.]

AN ACT to amend an act entitled "an act imposing a specific tax upon corporations and chartered companies, engaged in the business of mining, smelting and refining ores in this State," approved March tenth, eighteen hundred and sixty-five.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section one, of an act entitled "an act imposing a specific tax upon corporations and chartered companies engaged in the business of mining, smelting and refining ores in this State," approved March tenth, eighteen hundred and sixty-five, be so amended as to read as follows:

Specific tax
on minerals
smelted in
this State.

SECTION 1. *The People of the State of Michigan enact, That* all corporations and chartered companies engaged in the business of mining, smelting or refining ores in this State, shall pay into the State treasury, specific taxes, as follows, that is to say: Every such corporation and chartered company engaged in copper mining, shall pay a tax of seventy-five cents for each ton of copper or mineral obtained and smelted in this State, and one dollar for each ton of copper or mineral obtained and

Not smelted
in this State

exported from this State before being smelted; every such corporation and chartered company engaged in iron mining, shall pay a tax of one and one-half cents for each ton of ore or mineral obtained and exported from this State before being

Iron not
subject.

smelted or refined; pig, bloom or other iron manufactured in this State, shall be free from specific tax, except upon the capital stock; every such corporation and chartered company engaged in coal mining, shall pay a tax of one-half cent for each ton of coal obtained by such corporation or chartered company, in

such mining business; said taxes shall be paid annually, in the ^{When paid.} month of July, at the office of the State Treasurer, or such place in the city of Detroit as he may designate. This act shall in no way interfere with the provisions of an act heretofore passed, remitting the specific taxes of the Upper Peninsula to the counties in which they arise, for certain purposes, for a term of five years.

Sec. 2. This act shall take immediate effect.

Approved March 27, 1867.

[No. 192.]

AN ACT to provide for the incorporation of associations, conventions, conferences or religious bodies, for literary, religious or other benevolent purposes.

SECTION 1. *The People of the State of Michigan enact, That* ^{Author- ized to in- corporate.} it shall be lawful for any number of persons, not less than nine, who may be desirous of forming themselves into an association, convention, conference or religious body, and who shall sign articles of association for that purpose, to assemble together at such place as they may select, and by a plurality of votes by ^{election of trustees.} ballot, elect any number of discreet persons, not less than three nor more than nine in number, as trustees, to take charge of the property belonging to, and to transact all the affairs relative to the temporalities of such association, convention, conference or religious body, with all the powers and privileges, and subject to all the provisions and restrictions applicable in chapter fifty-five, of the revised statutes of eighteen hundred and forty-six, being chapter seventy-three, of the compiled laws.

Sec. 2. Said corporation may hold real and personal estate, ^{Real and personal estate limited} not exceeding in value one hundred thousand dollars, to be devoted exclusively to the diffusion of Christian knowledge by means of missionaries, publications and other agencies.

Sec. 3. Any corporation formed under this act shall, when- ^{Report when re- quired.} ever required by the Attorney General, Secretary of State, or

either House of the State Legislature, report a full statement of its affairs to the party so requiring.

Approved March 27, 1867.

[No. 193.]

AN ACT to provide for proceeding by attachment in certain cases.

Plaintiff
may attach
after action
is com-
menced.

SECTION 1. *The People of the State of Michigan enact, That* in any action founded on contract, expressed or implied, which has been or may hereafter be commenced, by summons or declaration, in any court of record in this State, the plaintiff may, at any time before judgment shall be rendered therein, proceed by attachment, in the same action, against the property of the defendant, in the manner hereinafter provided.

Affidavit of
plaintiff.

Sec. 2. At any time after said summons or declaration shall have been personally served on the defendant or defendants, or either of them, the plaintiff, or some person in his behalf, may make and file with the clerk of the court in which such action shall have been commenced, an affidavit, which affidavit shall conform to and be governed by the provisions of section two, of chapter one hundred and fourteen, of the revised statutes of eighteen hundred and forty-six, and being chapter one hundred and forty, of the compiled laws.

When writ
shall be is-
sued.

Sheriff's
attachment.

Sec. 3. Upon filing such affidavit, said clerk shall issue a writ of attachment, which writ shall recite the commencement of said action, and shall command the sheriff to attach so much of the lands, tenements, goods, chattels, moneys and effects of the defendant not exempt from execution, wherever the same may be found in the county, as shall be sufficient to satisfy the plaintiff's demand, and safely keep the same, to satisfy any judgment that may be recovered by the plaintiff in such action; and such writ of attachment shall be made returnable in not less than fourteen nor more than thirty days from the issuing thereof.

Writ re-
turnable.

Sec. 4. The subsequent proceedings by virtue of such attachment, so far as the same are not herein provided for, shall be the same as provided in said chapter one hundred and fourteen, of the revised statutes of eighteen hundred and forty-six, and the amendments thereto, so far as the same are applicable, except that no additional declaration shall be made necessary by such writ of attachment; and any judgment recovered in the action, in favor of the plaintiff, shall be conclusive against the defendant, who shall have been personally served with the original summons or declaration; and the execution issued thereon shall authorize the levying upon and selling of any property of the defendant so personally served, not exempt from execution, as well as the property attached, whether such attachment shall have been personally served or not.

Subsequent proceedings

Judgment conclusive.

Execution authorized sale.

Sec. 5. The defendant shall have the same right to procure said attachment to be dissolved, and in the same manner as is now provided by law for the dissolution of attachments; but the dissolution of such attachment shall have no other effect on the proceedings than to release the property attached.

Effect of dissolution of attachment.

Sec. 6. The bond to be given by the defendant for the discharge of the property so attached, shall be in a penalty at least double the amount specified in the affidavit filed in the cause, as due to the plaintiff, and shall be conditioned for the payment of any judgment, which may be recovered by the plaintiff in the cause in which such writ of attachment is issued, within sixty days after such judgment shall be rendered; or in a penalty double the appraised value of the property attached, and conditioned that such property shall be produced to satisfy any execution that may be issued, on any judgment to be recovered by the plaintiff in said cause.

Amount of defendant's bond.

How conditioned.

Sec. 7. The issuing of said writ of attachment, and the proceedings under and by virtue of the same, shall in no manner stay the proceedings commenced by the original summons or declaration, but the defendant may, aside from the proceedings

Writ of attachment not to stay suit.

made necessary by such attachment, proceed in the cause in the same manner as though no attachment had been issued.

Approved March 27, 1867.

[No. 194.]

AN ACT to provide for the registration of births, marriages and deaths.

Duties of supervisors.

SECTION 1. *The People of the State of Michigan enact, That* it shall be the duty of the supervisor of each township, and the supervisor or assessor of any city or ward therein, in this State, at the time of taking the annual assessment in each year, to ascertain by actual inquiry or otherwise, of the inhabitants thereof, the births and deaths which have occurred in their respective townships or cities, during the year and preceding the first Monday in April, in which such assessment is taken, together with the facts relating thereto, as are hereinafter provided for, and shall make an accurate return thereof to the county clerk in which such township or city is situated, within thirty days after completing said assessment.

Marriages to be recorded.

Sec. 2. Every justice of the peace, minister of the gospel, and all other persons authorized by law to solemnize marriages in this State, shall make a record of each marriage so

Marriage of Quakers.

solemnized by him, and every clerk or keeper of the records of the meetings in which any marriage among the Friends or Quakers shall be solemnized, shall make a record of such marriage, together with all the facts relating to the same, as required by

Certificates to be furnished.

the third section of this act; and such justice, minister of the Gospel, clerk or other person shall, at the time such marriage is solemnized, deliver on demand, to either of the parties so joined in marriage as aforesaid, a certificate of such marriage containing all the facts in relation thereto, required by said third section of this act, and shall within ninety days thereafter deliver to the clerk of the county in which such marriage took

Fee for recording.

place, a certified copy of such record, and at the same time pay to the clerk twenty-five cents for recording the same.

Sec. 3. It shall be the duty of the county clerks of the several counties in this State, on receiving the returns of such births, marriages and deaths, to record the same at length, in separate books to be provided at the expense of the State, by the Secretary of State for that purpose, with proper indexes thereto. The births, marriages and deaths shall be numbered and recorded alphabetically, using both the name of the bridegroom and bride in the record of marriages, in the order in which they are received by the clerk of the county; the record of the birth shall state, in separate columns, the date of the birth, the name of the child, (if it have any,) the sex of the child, the place of birth, the Christian and surname of both parents, the residence and nativity of the parents, the occupation of the father, and the date when the record was made: *Provided*, That in case the child has no Christian name, such name shall be obtained and reported to said county clerk in the next annual report of the supervisor or assessor, and such Christian name shall be distinctly designated in such report as the Christian name belonging to a child previously reported, and shall be properly entered by said county clerk in the blank left for such Christian name in his book of records. The marriages shall be recorded in the order in which they are received. The record of marriages shall state, in separate columns, the date and place of marriage, the Christian and surnames of the bridegroom and bride, the age and place of birth of each, the residence of each at the time of marriage, the occupation of the bridegroom, and the name and official station of the person by or before whom they were married, the names and residences of at least two witnesses present at such marriage, and the date when such record was made. The record of deaths shall state, in separate columns, the date of the death, the Christian and surname of the deceased, the sex, whether married or single, the age in years, months and days, the place of death, the disease or apparent cause of death, the nativity of the deceased, and the occupation, if over ten years of age, and if under that age, the names and residence of the parents, if known, and the date

Clark's duty
to record.

Record of
births, mar-
riages and
deaths.

Of births,
contents.

Provide.

Of mar-
riages, con-
tents.

Of deaths,
contents.

Annual certified copy of record. when such record is made. The clerks of the several counties shall annually, on or before the first day of November, make and transmit to the Secretary of State a certified copy of the records in his office, of all the births, marriages and deaths that have occurred in their several counties during the year next preceding the first Monday in April.

Furnishing blank books and forms. Sec. 4. The Secretary of State shall prepare and furnish to the county clerks of the several counties in this State, blank books of suitable quality and size, with proper rulings and headings, to be used as books of record in carrying into effect the provisions of this act; he shall also prepare and furnish blank "forms of returns," as hereinbefore specified, accompanied with such instructions and explanations as may be necessary to insure uniformity in such returns, which blanks shall be forwarded to the several county clerks, on or before the first day of March in each year, and the said county clerks shall deliver the same to the supervisors or assessors of the several townships, cities and wards therein in their respective counties, at the same time and in the same manner that blanks for assessment rolls are delivered.

Bound volumes of reports. Sec. 5. It shall be the duty of the Secretary of State to receive the returns made in pursuance of the third section of this act, and he shall cause the same for each year to be bound together, in one or more volumes, at the expense of the State, and make indexes thereto; and with such assistance as may be voluntarily rendered by any authorized committee appointed by the medical faculty of the University of Michigan, or by any regularly authorized medical society in this State for that purpose, he shall prepare such tabular statements, results and deductions therefrom as will render them of practical utility, and make report thereof, annually, to the Governor of the State, which report may be ordered published and distributed in such manner as the Legislature may from time to time direct.

Neglect to keep records. Sec. 6. Every justice of the peace, minister of the Gospel, and all other persons authorized by the laws of this State to

solemnize marriages, and clerks or keepers of records of the meetings in which any marriage among the Friends or Quakers shall be solemnized, who shall neglect or refuse to make a record of such marriage, or to deliver to the county clerk of the county in which the marriage took place, a certified copy of such record, or who shall refuse, on demand, to deliver to the parties to such marriage the certificate thereof, as required by section two of this act, or who shall willfully make a false or fictitious entry in his record of marriages, or in the certified copy of such record delivered to the county clerk, or in the certificates of marriages delivered to the parties thereto, shall be deemed guilty of misdemeanor, and upon conviction thereof, shall be punished by fine not exceeding one hundred dollars, and in default of paying the same, shall be imprisoned in the county jail of the county in which such conviction shall be had, until said fine be paid, but not to exceed the period of ninety days.

Neglect to deliver certificates or shall make false entries

Penalty.

Sec. 7. Every physician, surgeon or midwife, who shall have been in attendance upon any deceased person, shall upon application of any supervisor or assessor of the township, city, or any ward thereof, in which such death occurred, make out and deliver to such supervisor or assessor a certified statement, without fee, containing the name of the disease or cause (if known,) producing the death of such person; and any medical attendant who shall neglect or refuse to give such statement, or who shall willfully make a false statement in relation to such death, shall for such offense be liable to pay a fine of not less than ten nor more than fifty dollars, and the costs of prosecution, which fine the said supervisor or assessor is hereby required to sue for and collect in his official character.

Certificate of death.

Contents.

Refusal to make certificate.

Penalty.

Sec. 8. It shall be the duty of each supervisor or assessor to obtain the facts in relation to births and deaths within his township, city, or any ward therein, (not otherwise obtained,) from the heads of families, the keepers, overseers or superintendents of asylums, hospitals, jails, prisons, workhouses, alms-

Facts to be obtained by supervisor.

houses, houses of correction and similar institutions, the keepers of hotels, public and private boarding-houses, and the masters or chief officers of steamboats and sail-vessels navigating any of the waters of this State, and touching at any port of entry therein, in which such births or deaths occurred; and if either of the above named persons shall refuse to give such information, then the same shall be obtained by such supervisor or assessor from any person having a knowledge of the facts in relation to such birth or death; and if the supervisor or assessor shall have reason to believe that any person or persons willfully misrepresented or concealed any facts relative to such birth or death in his township, city, or any ward therein, which he cannot otherwise obtain, he may examine such person or persons on oath, (which oath such supervisor or assessor is hereby empowered and authorized to administer,) in relation to any birth or death within his township, city, or any ward therein, of which such person or persons may have any knowledge or information; and if any person, after being duly subpoenaed (as provided for compelling the attendance of witnesses in justices' courts,) by such supervisor or assessor, for the purposes aforesaid, shall neglect or refuse to appear before such officer, or appearing shall refuse to be sworn and testify in relation to such matter, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished therefor by fine not exceeding fifty dollars, and in default of paying the same shall be imprisoned in the county jail of the county in which such conviction shall be had until said fine be paid, but not exceeding ninety days; and any person who after being duly sworn as aforesaid, shall willfully make any false statement in relation to any birth or death, about which he is required to testify, shall be deemed guilty of willful and corrupt perjury: *Provided*, That no person shall be required to answer any question which will tend to criminate himself or herself upon any such examination.

Refusal to furnish.

Obtained under oath.

Neglecting to answer a subpoena.

Penalty.

Perjury.

Previso.

Neglect to perform duties.

Sec. 9. In case of the refusal or neglect by any of the officers mentioned in this act, to perform any of the duties hereinbefore

required of them or either of them, to be done and performed by any of the provisions herein contained, such officer shall be Penalty. liable to a fine not to exceed one hundred dollars, and the costs of prosecution; and the prosecuting attorney in each county is hereby required to prosecute, in the name of the people of the State of Michigan, all persons in his county who shall willfully violate any of the provisions of this act; and the Misdemeanor. said supervisor or assessors of any township, city, or any ward therein, may be prosecuted for a misdemeanor under this section, and upon conviction, punished as therein provided for.

Sec. 10. Sections three thousand two hundred and thirteen, Sections repealed. three thousand two hundred and fourteen, three thousand two hundred and fifteen and three thousand two hundred and sixteen, of the compiled laws of 1857, be and the same are hereby repealed.

Approved March 27, 1867.

[No. 195.]

AN ACT making appropriation to build two houses, a kitchen, bakery and laundry, for the State Reform School, and for warming the main building with steam.

SECTION 1. *The People of the State of Michigan enact, That* Amount to build two houses. the sum of sixteen thousand dollars be and the same is hereby appropriated out of the general fund, to build two houses for the State Reform School, and the same shall be passed to the credit of the State Reform School, and shall be drawn as hereinafter provided.

Sec. 2. The sum of five thousand dollars be and the same is For warming by steam. hereby appropriated out of the general fund, for warming the main building of the State Reform School by steam, and the same shall be passed to the credit of the State Reform School, and shall be drawn as hereinafter provided.

Sec. 3. The further sum of ten thousand dollars be and the For kitchen, bakery and laundry. same is hereby appropriated out of the general fund, to build a kitchen, bakery and laundry for the State Reform School, and

the same shall be passed to the credit of the State Reform School, and shall be drawn as hereinafter provided.

How drawn. Sec. 4. The sums severally mentioned in sections one, two and three of this act, shall be drawn on the warrant of the Auditor General, who is hereby authorized to draw his warrant on the State Treasurer for the sums severally mentioned in sections one, two and three, of this act, on the presentation of vouchers, certified by the Board of Control and Board of State Auditors.

[Sec. 5. This act shall take immediate effect.]

Approved March 27, 1867.

[No. 196.]

AN ACT to repeal section five, of chapter one hundred and thirty-one, of the compiled laws, being chapter one hundred and six, of the revised statutes of eighteen hundred and forty-six, as amended by act ninety-five, of the session laws of eighteen hundred and forty-nine, and act three hundred and twenty-three, of the session laws of eighteen hundred and fifty, being section four thousand four hundred and forty-three, of the compiled laws, relative to executions, and to add to said chapter one hundred and thirty-one, of the compiled laws, a new section, to stand as section fifty-five.

**Section
repealed.**

SECTION 1. *The People of the State of Michigan enact*, That section five, of chapter one hundred and six, of the revised statutes of eighteen hundred and forty-six, as amended by act ninety-five, of the session laws of eighteen hundred and forty-nine, and act three hundred and twenty-three, of the session laws of eighteen hundred and fifty, being section four thousand four hundred and forty-three, of the compiled laws, relative to executions, be and the same is hereby repealed, and a new section is hereby added to said chapter one hundred and thirty-one, of the compiled laws, to stand as section fifty-five, and read as follows:

**Section
added.**

**Executions
upon prop-
erty of wife
only.**

Sec. 55. Executions issued upon judgments that have been or may be rendered against husband and wife in any cause or suit where the husband has been or shall be joined as defend-

ant with his wife, to recover damages for any tort or wrong committed by the wife shall be levied upon and satisfied from the property and effects of the wife only, nor shall the property or effects of the husband be taken or seized in satisfaction of any such judgment or execution, nor shall he be liable for the payment of any such judgment; and the attorney, clerk or court issuing any such execution shall indorse thereon a direction to the sheriff to collect the same from the property and effects of the wife only.

Property of husband not liable.
Sheriff's directions.

Approved March 27, 1867.

[No. 197.]

AN ACT to amend section six, of chapter one hundred and twenty-eight, being section forty-three hundred and forty-eight, of the compiled laws, in regard to notes of issue.

SECTION 1. *The People of the State of Michigan enact, That* section six, of chapter one hundred and twenty-eight, being section forty-three hundred and forty-eight, of the compiled laws, be and the same is hereby amended so as to read as follows:

Section amended

(4348.) Sec. 6. A note of issue joined in any cause in a circuit court, shall be served on the clerk of such court, before each term thereof, as shall be provided by the rules of each circuit court, except where no rule is provided in any circuit court, the same shall be served four days before the first day of said term.

Serving notice on circuit court clerk.

Approved March 27, 1867.

[No. 198.]

AN ACT to authorize the collection of fines in certain cases by execution.

SECTION 1. *The People of the State of Michigan enact, That* execution may issue for the collection of fines and costs imposed for misdemeanors, or offenses punishable by fine or

Alternative sentence prevents issue of execution

imprisonment, or fine and imprisonment, in all cases where no alternative sentence or judgment of imprisonment shall have been rendered.

Issuing and
serving
execution.

Sec. 2. Such execution shall be issued in the same form, and served and returned in the same manner, and have the same force and effect as executions now authorized to be issued, served and returned in civil actions commenced by warrant:

Proviso.

Provided, That no person shall be imprisoned under and by virtue of such execution for a greater period than ninety days.

Approved March 27, 1867.

[No. 199.]

AN ACT to amend act number thirty-nine, of session laws of eighteen hundred and sixty-five, entitled "an act to amend section fifteen, of chapter twenty-one, of the compiled laws, relative to the duties of overseers of highways," approved February tenth, eighteen hundred and sixty-five, and to amend section nine, of chapter twenty-one, of the compiled laws.

Section
amended

SECTION 1. *The People of the State of Michigan enact*, That section fifteen, of chapter twenty-one of the compiled laws, be amended so as to read as follows:

List of un-
paid as-
sessed labor

Sec. 15. Every overseer of highways shall, on or before the first Monday of October in each year, make out and deliver to the supervisor of his township, a list of all the lands of non-residents, and of persons unknown which are taxed upon his list, on which the labor assessed has not been paid, and the amount of labor unpaid; also, all lands and personal property assessed as resident, upon which the owner or occupant shall have refused or neglected to work on the highway, without good cause shown, after being duly notified by the overseer, which notice shall be in writing, and served upon such person personally, or by copy, which copy shall be left at his residence with some person of proper age to know the contents thereof;

Refusal to
work on
highway.

Serving of
notice.

said notice shall be served at least forty-eight hours before the

time required to work, and shall state the time and place of working, and what tools he shall bring on said highway, and said overseer shall make and subscribe an affidavit thereon, before some person competent to administer oaths, or before the supervisor, that he has given the notice above required, as far as relates to residents, that the labor assessed upon the lands so returned has not been performed, and remains unpaid. Overseer's affidavit of notice.

Sec. 2. Section nine, of chapter twenty-one, of the compiled laws, is hereby amended so as to read as follows: Section amended.

Sec. 9. Every overseer of highways may, within six days after any person shall become liable for the payment of any sum of money under the provisions of the last three preceding sections, unless a satisfactory excuse be rendered to him by the person so liable, make complaint in writing, and on oath to some justice of the peace of the township, stating the default, neglect, refusal or other cause, by reason of which such person became so liable. Certified complaint of overseer. Contents.

Approved March 27, 1867.

[No. 200.]

AN ACT to amend act number three hundred and thirty-nine, of the session laws of eighteen hundred and sixty-five, the same being an act to amend an act entitled an act to provide for the reclamation and drainage of swamp lands, by means of State roads and ditches.

SECTION 1. *The People of the State of Michigan enact*, That act number three hundred and thirty-nine, of the session laws of eighteen hundred and sixty-five, be so amended as to read as follows: Act amended.

SECTION 1. *The People of the State of Michigan enact*, That there shall be laid out and established, by commissioners to be appointed by the Governor, upon the most direct and eligible routes between the places hereafter designated, the following State roads: Establishing State roads.

Dowagiac
swamp.

First. A road beginning at the north-east corner of section thirty-six, in town five south, of range sixteen west, running thence north on the section line five miles to the county line of Van Buren county, to be known as the Dowagiac Swamp State road; a road from Little Traverse Bay, in Emmet county, to Traverse City, in Grand Traverse county, to be known as the Emmet and Grand Traverse State road.

Emmet
and Grand
Traverse.

Manistee
and Leland.

Second. A road from Manistee, in Manistee county, to Leland, in the county of Leelanaw, via Frankfort, to be known as the

Cottonwood
swamp.

Manistee and Leland State road; a road from Blissfield village, in Lenawee county, to Ottawa lake, in Monroe county, to be called the Cottonwood Swamp State road, being eight miles; also, a road from the village of Berlin, in Ottawa county, to the south line of Jamestown, via Haire's Landing and Georgetown Center, to be known as the Berlin and Georgetown State road.

Berlin and
Georgetown

Muskegon
and Cedar
Springs.

Third. A road from Muskegon village, in Muskegon county, east, to Cedar Springs, in Kent county, to be known as the Muskegon and Cedar Springs State road.

Englishville
and Croton.

Fourth. A road beginning at the south-west corner of section thirteen, in town eight north, of range twelve west, running thence north on the section line three miles to Englishville, in the county of Kent; thence north, on the section line between sections thirty-five and thirty-six, in town nine north, of range twelve west, to Sextonville; from thence on the present surveyed route to Croton, in the county of Newaygo, to be known as the Englishville and Croton State road; also, a road from Big Rapids, in Mecosta county, southerly, to intersect with a road running from Greenville to Grand Rapids, to be known as the Big Rapids and Grand Rapids State road.

Big Rapids
and Grand
Rapids.

Capac and
Clyde.

Fifth. A road from Capac, in the county of St. Clair, thence east until it intersects the Brockway and Port Huron plank road, to be known as the Capac and Clyde State road.

Port Sanilac
and Tuscola

Sixth. A road from Port Sanilac, in Sanilac county, thence westerly by the way of Watrousville and the southern terminus

of the Bay City plank road, to Bridgeport, in Saginaw county, to be known as the Port Sanilac and Tuscola State road.

Seventh. A road from Saginaw, in Saginaw county, by the ^{Saginaw and Gratiot} way of St. Louis, in Gratiot county, to Alma, in Gratiot county, to be known as the Saginaw and Gratiot State road.

Eighth. A road from the village of Newaygo, by the way of ^{Newaygo and Dayton.} Fremont and Dayton, to the north line of Newaygo county, in township sixteen north, of range fourteen west, to be known as the Newaygo and Dayton State road; also, a road from Has-^{Hastings and Lowell.} tings, in the county of Barry, to Lowell, in Kent county, and four thousand acres of swamp land to aid in building the same, to be in full for appropriation on said road; also, a road from ^{Portage River.} the village of Waterloo, in the county of Jackson, by the way of Whitewood Island and the Portage saw-mill, to the mouth of Portage river, in the township of Blackman, in said county, to be known as the Portage river State road—half section per mile.

Ninth. A road from Almont, in Lapeer county, to the forks ^{Almont and Cass River.} of Cass river, in Tuscola county, via Marlette, to be known as the Almont and Cass river State road.

Tenth. A road from Sand Beach, in Huron county, to Bay ^{Sand Beach and Bay} City, in Bay county, via Sebewaing, to be known as the Sand ^{City.} Beach and Bay City State road.

Eleventh. A road from Big Rapids, in the county of Mecosta, ^{Greenville and Big Rapids.} to Greenville, to be known as the Greenville and Big Rapids State road.

Twelfth. A road from Greenbush, in the county of Clinton, ^{Greenbush and Gratiot} north to the north line of township number ten north, in the county of Gratiot, to be known as the Greenbush and Gratiot State road.

Thirteenth. A road from Hume, in Huron county, running ^{Port Austin and Sanilac.} southerly until it intersects the Lansing, Port Huron and Bay City State road, to be known as the Port Austin and Sanilac State road; and there is hereby appropriated an additional section of six hundred and forty acres of State swamp land to the mile, on that part of the road lying north of Port Huron,

in the county of Huron, which said land shall be selected from the county of Huron.

Midland and Isabella. *Fourteenth.* A road from Midland City, in Midland county, to Mount Pleasant, in Isabella county, to be known as the Midland and Isabella State road.

Saginaw City and Owosso. *Fifteenth.* A road from Saginaw City, in Saginaw county, to Owosso, in Shiawassee county, to be known as the Saginaw City and Owosso State road.

Ithaca and St. Charles. *Sixteenth.* A road from Ithaca, in Gratiot county, to St. Charles, in Saginaw county, to be known as the Ithaca and St. Charles State road.

Clio and Chesaning. *Seventeenth.* A road from Clio, Genessee county, to Chesaning in Saginaw county, on the center line of the towns from Clio to Chesaning, as near as practicable, to be known as the Clio and Chesaning State road: *Provided,* That no more lands are hereby appropriated than were contemplated in the act to which this is amendatory: *And provided further,* That said appropriation shall be expended under the supervision of the State Swamp Land Commissioner.

Ionia and Vermontville. *Eighteenth.* A road from Ionia to Vermontville, in the county of Eaton, to be called the Ionia and Vermontville State road: *Provided,* That no appropriation shall be made or expended in any portion of the first eight miles south from Ionia.

New Haven and Fairfield. *Nineteenth.* A road from New Haven, Shiawassee county, through Rush to Fairfield, in said county, to be known as the New Haven and Fairfield State road.

Eaton and Barry branch. *Twentieth.* A road commencing on section thirty-five, of township four north, of range three west; thence westerly to intersect the State road running from the city of Lansing to the village of Hastings, in the county of Barry, to be known as the branch State road of Eaton and Barry counties.

Duncan, Alpena and Sauble River. *Twenty-first.* A road from Duncan, in Cheboygan county, to Sauble river, in Iosco county, via Alpena, to be known as the Duncan, Alpena and Sauble river State road.

Twenty-second. A road from at or near Mackinaw City, in Emmet county, to Little Traverse Bay, in Emmet county, via Cross village, to be known as the Mackinaw and Little Traverse Bay State road.

Twenty-third. A road from Forestville, in Sanilac county, to East Saginaw, via the village of Portsmouth, in Bay county, to be known as the Sanilac and Bay State road.

Approved March 27, 1867.

[No. 201.]

AN ACT to amend chapter one hundred and twenty-six, of the revised statutes of eighteen hundred and forty-six, being chapter one hundred and fifty-four, of the compiled laws, by adding a new section thereto, relating to miners' liens upon mining property.

SECTION 1. *The People of the State of Michigan enact, That* chapter one hundred and twenty-six, of the revised statutes of eighteen hundred and forty-six, being chapter one hundred and fifty-four, of the compiled laws, be and the same is hereby amended, by adding thereto the following section, to stand as section forty-four, viz:

Sec. 44. Every person who shall furnish or perform any labor for any corporation, organized for the purpose of mining, smelting or manufacturing iron, copper, silver, or other ores or minerals, in the Upper Peninsula of this State, and every bona fide holder of any draft or order for the payment of money due for any such labor, issued or drawn by an officer, clerk or agent of any such corporation, shall have a lien for the amount due thereon or therefor, upon all the real and personal property of such corporation, lying and being in the said Upper Peninsula, which said lien shall take precedence of all other debts, judgments or decrees, liens or mortgages, against such corporation, except liens accruing to this State for taxes, fines or penalties; and every such lien may be proceeded on, enforced and collected out of such real and personal property, or either of the

Act amended.

Miner's claims a lien upon mines

Such liens take precedence.

How enforced.

Provide.

same, in the same manner and under the same regulations, limitations and conditions, as near as may be, as are herein provided for the enforcement and collection of other liens on real or personal property, as the case may be: *Provided, That* in the enforcement of any lien provided for in this section, it shall not be necessary to file, prove or produce any written contract relative to the labor on which such lien is based.

Approved March 27, 1867.

[No. 202.]

AN ACT to protect the title of the owners of floating logs and lumber.

Logs, etc.,
to have
marks pre-
viously
determined.

SECTION 1. *The People of the State of Michigan enact, That* every person or copartnership, who shall put any logs or timber into any river, or its branches or tributaries, small lake or its tributaries, bayou, marsh or ditch in this State, for the purpose of rafting or floating the same to any place for manufacture or sale, shall have some mark or marks, previously selected by him or them, impressed in a conspicuous place upon the end or surface of each log or stick of timber so put into any of said waters.

Diagram,
etc., to be
recorded.

Sec. 2. Before any such mark or marks shall be used, it shall be the duty of any such person or copartnership, to cause a diagram and written description of the same, signed by the owner or owners thereof, to be recorded in the office of the clerk of the county into which such logs or timber are to be floated for manufacture or sale; which diagram and description shall be different from any diagram and description already recorded in said office claimed by any other party.

Record open
for inspec-
tion.

Sec. 3. It shall be the duty of any such clerk to record in a book to be kept by him for that purpose, all marks and descriptions of marks furnished to him for that purpose, which are different from any other mark or description there recorded, which book shall be, at all reasonable hours, open to the inspection and

examination of any person requiring it; and each of said clerks Clerk's fee. shall be entitled to receive for his fees, for each mark and description recorded, twenty-five cents, to be paid in advance by the party having the same recorded.

Sec. 4. Any logs or timber having any such recorded mark Marks presumptive evidence. or marks impressed thereon, shall be presumed to belong to the party or parties in whose name said mark or marks shall have been recorded.

Sec. 5. Every person or copartnership who shall neglect to Neglect to record marks. have his or their mark or marks recorded, as required in the second section of this act, shall be debarred from all the benefits arising from the due recording of such mark or marks, and the vendee or assignee of any such logs or timber, shall be subject to the same regulations and restrictions: *Providing,* Provide. The provisions of this act shall apply only to the streams running into Lake Michigan, except the Kalamazoo river.

Approved March 27, 1867.

[No. 203.]

AN ACT to amend section seventy-two, of chapter one hundred and nineteen, being section four thousand and forty-two of the compiled laws.

SECTION 1. *The People of the State of Michigan enact,* That Section amended. section seventy-two, of chapter one hundred and nineteen, being section four thousand and forty-two, of the compiled laws, be and the same is hereby amended so as to read as follows:

(4042.) Sec. 72. The State reporter shall receive an annual State Reporter's salary. salary of eight hundred dollars, payable quarter-yearly, out of any moneys in the State treasury belonging to the general fund, not otherwise specially appropriated by law; said salary to commence January first.

Sec. 2. This act shall take immediate effect.

Approved March 27, 1867.

[No. 204.]

AN ACT relating to the employment of the labor of convicts at the State prison, in certain cases.

Authorizing agent to make contracts.

SECTION 1. *The People of the State of Michigan enact, That* it shall and may be lawful for the agent of the State prison, acting by and with the advice and consent of a majority of the inspectors of the prison, and in accordance with the regulations at the time in force, to make contracts for supplying convict labor, for terms not exceeding two years, to parties whose places of business may be outside the prison walls, and so located that the convicts may be conveniently taken from the prison in the morning, and returned to the same at night, at not less than one dollar per day for each convict so employed:

Price of convicts labor.

Proviso.

Agent's estimate in writing.

Contents.

Provided, That before any such contract shall be executed, the agent of the prison shall transmit to the inspectors, a statement and estimate, in writing, showing what precautions are proposed to prevent the escape of the convicts so contracted, the extra expense of guards and keepers, and of clothing, if any, by such plan, and showing what the profit or loss to the State would be by such contract, as compared with the average price paid for labor within the prison walls, and with the average which he will probably be able to obtain for the same during the time for which it is proposed to contract the labor of said convicts:

And provided further, That it shall be inserted as a proviso, in every such contract, that the same may be canceled at any time, by the vote of a majority of the inspectors of the prison.

Proviso.

Convicts may repair prison walls

Sec. 2. The said agent shall also have authority under such regulations as the inspectors may adopt, and subject to the control of said inspectors, to employ the said convicts in quarrying stone, or other labor useful in the erection or repair of the buildings or walls of the prison.

Assisting convicts to escape.

Penalty

Sec. 3. Any person supplying any convict with weapons, money, clothing or disguises, with intent to assist him in escaping from custody, or who shall in any way assist such convict in his endeavors to escape, shall be liable, upon conviction, to the same punishment as though such act had

been done within the prison walls, and every such convict who shall escape, and every person aiding such escape from such custody, shall be liable to the same penalties as though he had broken prison and escaped, or assisted in such breaking or escape.

Sec. 4. This act shall take immediate effect.

Approved March 21, 1867.

[No. 205.]

AN ACT to authorize the sale of certain lands belonging to the State, in the city of Jackson.

SECTION 1. *The People of the State of Michigan enact, That the* Land com-
missioner to
make plat.
Commissioner of the State Land Office be and he is hereby directed and required, whenever the Board of State Auditors shall by resolution declare it to be in their judgment for the interest of the State that the said Commissioner shall proceed under the provisions of this act, and whenever, also, the Governor shall approve the said resolution and file his approval with the clerk of said board, to examine the parcel of land belonging to the State, containing twenty acres or thereabouts, situate in the city and county of Jackson, and which lies east of Cooper street, in said city, and is divided by said street from lands occupied in connection with the State prison, to make a map or plat of the same, and to divide the same into such lots Divide plat
into lots. or parcels, to be properly numbered, as he shall deem advisable with a view to the better sale of the same; and when such map Filing plat
and copy. and division shall be completed, he shall file the same in his office, and a copy thereof, to be certified by him, in the office of the register of deeds in said county.

Sec. 2. The said Commissioner of the Land Office shall, as Appraisal of
lots. soon as conveniently may be, after completing and filing said map, make an appraisal of the value of each lot or parcel into which said lands shall be so divided by him, which appraisals Mark them
on map and
file copy. may be marked in figures upon said map, and the copy thereof

Appraised
price a
minimum.

so to be filed in the office of the register of deeds of said county of Jackson; the said sums shall be deemed minimum sums, below which said lots or parcels of land shall not be sold at public or private sale.

Advertise
the sale.

Sec. 3. It shall be the duty of the Commissioner of [the] Land Office, whenever he shall have completed said plat and appraisals, and the said Board of State Auditors shall deem that said lands may be advantageously sold, to advertise for at least four weeks in one or more newspapers published in the city of Jackson, the time and place in said city, when and where he will expose said lands, by lots or parcels, for sale at public auction, and he may in his advertisement, specify the said minimum prices fixed by him, below which bids will not be received. At the time and place mentioned in said advertisement, or at the time to which he shall adjourn the sale, the Commissioner of the State Land Office shall attend and expose said lands, by lots or parcels, for sale at public auction, and sell the same to the highest bidder; but no such bid shall be received at less than the minimum price so fixed on any particular lot or parcel.

State mini-
mum prices

Sell at
auction.

When sold
convey by
patent.

When not
sold.

Proviso.

Proceeds go
to general
fund.

Sec. 4. The said lands, when sold, shall be conveyed by patent to the purchasers thereof, upon payment of the purchase price at which the same was struck off to them, and if the same shall remain undisposed of at auction, the same may be afterwards sold by said Commissioner and conveyed in the same manner as lands belonging to the school fund in this State are now or may hereafter be authorized to be sold to purchasers: *Provided*, That no credit shall be given to any such purchaser, and the money received on such sales shall be credited to the general fund.

Plat of
lands sold
to be recor-
ded.

Sec. 5. The Commissioner of the Land Office shall, whenever any part of said lands shall have been sold, cause the copy of his map or plat to be recorded in the office of the register of deeds of said county, which record shall thereafter be evidence to show the location of the lands so sold and conveyed, and of the streets and alleys, which the said Commissioner is

hereby authorized to lay out at the time of making his plat, if he shall deem the same to be for the interest of the State in the disposition of said lands.

Approved March 27, 1867.

[No. 206.]

AN ACT to provide for the incorporation of churches of Christ.

SECTION 1. *The People of the State of Michigan enact, That* ^{Authorized to incorporate.} whenever any church of Christ shall desire to have and possess corporate powers and privileges, a committee of not less than three nor more than five members of any such church, appointed by a majority of the members of such church present at a meeting, notice of which meeting shall have been given to such church on two Lord's days immediately preceding, may execute and acknowledge before any officer authorized to take acknowledgment of deeds, a certificate, which shall contain—

Contents of.

First. The name of the proposed corporation;

Name.

Second. The township or city and county in which it is located;

Location.

Third. The election of such church, manifested by a majority vote of the members present, pursuant to notice as above, whether the corporate power shall be vested in the elders and deacons thereof, the deacons alone, or in such persons as may be elected trustees in the manner prescribed for the appointment of the aforementioned committee, and whether the pastor of such church shall or shall not be a member of such corporation;

Where corporate power is vested.

Fourth. The election of such church, whether the acts of those persons named for the exercise of their corporate power shall or shall not be subject to be controlled by the church.

Church control.

Sec. 2. Such certificate shall be signed by the aforementioned committee, and when duly acknowledged by the signers thereof, shall be recorded in the office of the county clerk of the county named therein, and thereupon the pastor, elders and deacons,

Recording certificate.

the pastor and deacons, the elders and deacons, the deacons alone, or the trustees elected as aforesaid, shall become a corporation by the name expressed in said certificate.

When number of corporation is diminished by three.

Sec. 3. If, in any case where the corporate powers are vested in any or all of the officers, their number shall be diminished to less than three, then during such time the church may elect two or three of the members thereof as before prescribed, to augment the number of such corporation.

An elder or deacon shall be member.

Sec. 4. Any person who shall become duly invested with the office of elder or deacon, in any particular church, shall become a member of the corporation elected for that church, subject to the election of the church as determined under the provisions of the first section of this act; and the corporate functions of all officers shall cease on the vacation of the ecclesiastical office.

Trustees' term of office. When vested in deacons.

Sec. 5. The time for which trustees shall be chosen under this act, shall not exceed three years; and if the corporate power shall be vested in the deacons or other church officers, they shall not serve in the capacity of trustees for a longer term than three years, without a renewed expression of the church to that effect, as often as every three years.

Church without officers proceeds to elect.

Sec. 6. If it shall happen that any church, a part or all of whose officers have been incorporated under this act, shall be without officers, such corporation shall not for that cause be dissolved; but the church may elect in the manner before provided, not less than three nor more than nine trustees to execute the functions of such corporation during the existence of the disability, but no longer.

Proviso.

Consent of two-thirds.

Recording certificate of same.

Sec. 7. Any church incorporated under any law of this State, may elect to dissolve their existing corporation, and take corporate powers under this act: *Provided*, The consent of two-thirds of all members of such church, present at a meeting called in the manner prescribed for calling the meeting for the appointment of the aforementioned committee. If such consent shall be obtained, a certificate thereof shall be executed and acknowledged by the presiding officer and secretary of such

meeting, and shall be recorded in the office of the county where the original certificate of incorporation was recorded; and on compliance with the provisions of this act, all the property, powers, privileges, duties, trusts and obligations of every kind possessed by or pertaining to the original corporation, shall be transferred to and become vested in the corporation organized for the same church under this act.

Sec. 8. Every corporation under this act, and their successors, may have and use a common seal, and may renew and alter the same at their pleasure, and are hereby authorized and empowered to take into their possession and custody all the temporalities belonging to such church, whether the same consists of real or personal estate, and whether the same shall be given, granted or devised directly to such church, or to any person for their use; and also by their corporate name or title to sue and be sued in all courts of law or equity, and to recover, hold and enjoy all the debts, demands, rights and privileges, and all meeting-houses, parsonages and burying places, with the appurtenances, and all estates belonging to such church in whatever manner the same may have been acquired, or in whose name soever the same may be held, as fully and amply as if the right or title thereto had originally been vested in said corporation; and also to purchase and hold other real and personal estate, and to demise, lease and improve the same for the use of such church, so as the whole real and personal estate of any such church shall not exceed the annual value or income of three thousand dollars; and also to repair and alter their meeting-houses and to erect dwelling-houses for the use of their ministers, and school-houses and other buildings for the use of such church.

Corporation's common seal.
Power of taking possession.

Of suing and being sued, etc.

Limit to value of estate.

Sec. 9. No corporation created under this act shall have the power to fix the salary or compensation to be paid any minister, but the same shall be fixed by the church, according to the usage of such church.

Salary of ministers fixed by church.

Approved March 27, 1867.

[No. 207.]

AN ACT to authorize the Roman Catholic bishops of Michigan, and their successors in office, to hold property in trust for the use of the church.

Grants,
deeds, etc.

Devised to
Roman
Catholic
Bishops for
certain pur-
poses.

Legal title
in Roman
Catholic
Bishops or
successors.

Provide.

SECTION 1. *The People of the State of Michigan enact, That* all gifts, grants, deeds, wills and other conveyances, wherein or whereby any lands, tenements or other property within this State have been given, devised or granted, or in any manner conveyed by any person or persons whatever, unto any person or persons, by the name, style or title of Roman Catholic or Catholic bishop of the diocese of Bardstown, Kentucky, or his successors, or to the Roman Catholic bishop or Catholic bishop of Cincinnati, Ohio, and his successors in office, or to the Roman Catholic or Catholic bishop of Detroit, or administrator of Detroit, and his successors, or to the Roman Catholic or Catholic bishop of Saut Saint Marie, or to the Roman Catholic or Catholic bishop of Marquette, or his successors, or to any other person or persons, upon the trust expressed or implied, to take, hold and receive the same for the use and benefit of any religious congregation of Roman Catholics, or for the support, aid and maintenance of any hospital, almshouse, seminary, church, parsonage, or for the burial grounds, or other religious or charitable purposes within this State; and all such gifts, grants, deeds, wills and other conveyances which may hereafter be made, shall be sufficient and effectual in law to vest the legal title of, in and to said lands and tenements, in such grantee or devisee, in the present bishops or administrators of the Roman Catholic dioceses within the State of Michigan, in their respective dioceses, and in the persons who after them may become Roman Catholic bishops of said dioceses, and in the successors of said Roman Catholic bishops forever, in trust, for the uses and purposes for which the said property is or may be hereafter acquired, granted or devised, and in no other person or persons whatever: *Provided, That it shall be necessary in relation to all gifts, grants, deeds, wills and other*

conveyances heretofore made as aforesaid, that the person or persons to whom the same were made, or to such persons as they may have conveyed to, if living, shall release their estate or interest therein to the said Roman Catholic bishops in the State of Michigan within their respective dioceses: *And pro- Provide.*
vided further, That nothing in this act shall be taken or construed to give, or grant to the said Roman Catholic bishops or administrators of the said dioceses of the State of Michigan, or their successors, the right to hold real estate in trust for any society except for charitable, religious and literary purposes, or for burial grounds, as provided for by this act.

Approved March 27, 1867.

[No. 208.]

AN ACT to amend an act entitled "an act for the incorporation of insurance companies, and defining their powers and duties," approved February 15th, 1859, as amended by the several acts amendatory thereof.

SECTION 1. *The People of the State of Michigan enact,* That ^{Sections amended.} sections one, two, four, five and twelve, of an act entitled "an act for the incorporation of insurance companies, and defining their powers and duties," approved February 15th, 1859, as amended by act number one hundred and thirty-two, of the laws of 1863, approved March 18, 1863, as amended by act number two hundred and seventy-seven, of the session laws of 1865, approved March 20, 1865, be and the same are hereby amended, and six new sections are added thereto, to stand as ^{Sections added.} sections seventeen, eighteen, nineteen, twenty, twenty-one and twenty-two, which said sections as amended, and said new sections, shall be and read respectively as follows:

SECTION 1. *The People of the State of Michigan enact,* That ^{Power to incorporate.} any number of persons not less than seven, may associate together and form an incorporated company, for either of the following purposes, to wit:

Dwellings,
stores, etc.

First. To make insurance on dwelling houses, stores and all kinds of buildings, and upon household furniture, goods, wares and merchandise, and any other property, against loss or damage by fire.

Vessels,
freights,
etc..

Second. To make insurance as aforesaid, upon vessels, freights, goods, wares, merchandise and other property, against the risks of inland navigation and transportation.

Domestic
animals.

Third. To make insurance against loss and injury to domestic animals by death, disease, accident or theft.

Individuals.

Fourth. To make insurance upon the health and lives of individuals, and against accidents of any and all kinds, and every insurance pertaining thereto, or connected with life risks, and to grant, purchase or dispose of annuities.

Buildings
against
lightning,
etc.

Fifth. To make insurance on buildings or personal property against destruction or damage by tornadoes or storms, and against destruction or damage by lightning when fire does not ensue.

Life Insur-
ance Co's
not to take
other risks.

Sec. 2. Any company organized under this act, shall have power to make re-insurance upon any risks taken by them, respectively, and may make insurance upon any or all of the risks mentioned in the first, second, third and fifth subdivisions of the first section of this act; but no company, making insurance upon the lives of individuals, shall be permitted to take any other kind of risks; nor shall the business of life insurance be in any way connected or united in any company making insurance on marine and fire risks.

Stock Co's
file state-
ment and
open sub-
scription
books.

Sec. 4. The persons so associating, after having filed the statement, and published the notice, as aforesaid, may open books for the subscription to the capital of the company so proposed to be organized, and keep the same open till the whole amount specified in the charter shall be subscribed; or, in case the said company is proposed to be conducted on the plan of mutual insurance, then to open books to receive propositions, and enter into agreements in manner hereinafter specified. But no company, organized on the plan of mutual insurance, and insuring against any of the risks mentioned in

Mutual Co's.
Limited to
two coun-
ties.

the first, second, third or fifth subdivisions of section one of this act, shall hereafter do any business, or take any risks, or make any insurance in any more than two counties in this State, which counties, in the case of companies hereafter organized, shall be named and set forth in their charter, and in the state-^{Names in charter.}ment required by section three to be filed in the office of the Secretary of State; and the president and secretary of every company heretofore organized and making any insurance on the plan of mutual insurance, shall, within six months after the^{Contiguous counties to be selected within six months.} passage of this act, select the county or counties, not exceeding two, which shall be contiguous, in which such company will carry on business and make insurance, and shall make and sign a certificate of such selection, and affix the seal of the company thereto, and file the same in the office of the Secretary of State, and from thenceforth such company shall not make^{After certifying and recording shall do business in no other county.} any insurance in any other county.

Sec. 5. The capital stock of any stock company organized under this act, shall not be less than one hundred thousand^{Stock companies, capital, shares, increase of stock.} dollars, in shares of fifty dollars each, which capital stock may be increased by a vote of two-thirds of the stockholders, to not more than ten hundred thousand dollars; and one-third at least of the capital stock of every stock company shall consist^{Where one-third must be invested.} of and be invested in the bonds or stocks of the United States or of this State, or in county, city, or other municipal bonds, which bonds, at their actual cash value in the market, shall at all times amount to at least one-third of the whole amount of the capital stock of the company; and no stock company shall issue any policy until the full amount of one hundred thousand^{When policies may be issued.} dollars shall have been paid in by the stockholders, and invested or held in cash by said company; and no mutual insurance company, organized as aforesaid, shall commence business until^{When Mutuals may commence business.} bona fide agreements have been entered into for insurance with at least one hundred individuals, covering property to be insured to the amount of not less than fifty thousand dollars. At the time of the opening of the books for the subscription of

On opening subscription books in stock companies. stock in organizing a stock company, any person, corporation or company may subscribe to the same, and shall pay, at the time of such subscription, the sum of two dollars per share on the stock by each subscribed; the books may be closed when the whole amount of capital stock is subscribed; and when a board of directors is elected, as hereinafter specified, the said persons so associating shall deliver to such board the books and money paid in upon such subscriptions as aforesaid.

When delivered to directors

Annual statement under oath. Sec 12. *First.* It shall be the duty of the president, or vice-president and secretary of each company organized under this act, annually, in the month of January, to prepare, under oath, and file in the office of the Secretary of State, a statement of the standing and condition of said company on the last day of December prior thereto, which statement, if it be a stock company, shall show the amount of the capital stock of the company, how much thereof has been paid in, and how and in what manner the same is invested, whether in bonds, stocks, mortgages, real or personal property, or how otherwise, and shall show—

- Its contents**
- Stocks.** The kind, amount and cash market value of such stocks;
- Bonds.** The date, amount, name of maker and cash market value of each of such bonds;
- Mortgages.** The date, amount and name of the maker of every such mortgage, the amount, location and cash value of the land covered thereby, and the place, book and page where the same is recorded, and the amount of all prior liens and incumbrances, if any, on the lands covered by each mortgage;
- Other securities.** The date, amount, nature and name of maker, and cash market value of each and every other security in which any part of such capital is invested;
- All other property.** The nature, kind, location and cash value of all other property in which any such capital is invested;
- Surplus.** How much surplus if any the company possesses, naming all its assets, including personal property and real estate, and whether any of such assets are believed to be bad or doubtful;
- Doubtful assets.**

The amount of cash premiums received during the year, as a consideration for policies issued; Cash premiums.

The amount of losses and expenses paid during the year; Losses and expenses.

And the amount of claims for losses and other debts existing against the company, showing what amount of claims for losses is then due, what amount has not matured according to the terms of the contract, and what amount thereof is resisted for any and what cause, or for which the company do not consider themselves legally liable. Description of claims for losses and debts.

Second. Or if it be a mutual company, such report shall state and show— Mutuals.

The whole number of members belonging thereto; No. of members.

The number of new members that have been added thereto during the year; New members.

The amount of property insured during the year, and the whole amount then at risk; Risks.

The amount of premium or deposit notes taken during the year, and the whole amount of such notes then in force and held by the company; Premium notes.

The amount of cash premiums received during the year, and the total amount of such premiums then belonging to the company, and what amount of the same is in actual cash on hand; Cash premiums.

The amount of assessments levied upon the members during the year; Assessments levied.

The rate per cent. of such assessments on the property insured, and the rate per cent. of such assessments on the premium or deposit notes, or other obligations upon which the assessments are made; Rate per cent.

The amount collected and paid in on assessments made during the year, and what amount has been collected on assessments levied prior to that year, and the gross amount of assessments then outstanding and not canceled by the board of directors, the gross amount re-assessed for assessments not paid; Collection of assessments.

The amount of losses paid during the year; Losses paid.

Interest paid on capital.	The amount of interest and profits paid upon stock or guarantee capital during the year, and to whom paid, and how much to each person;
Liabilities of interest or profits.	The amount of interest and profits that the company has become liable to pay on stock or guarantee capital during the year;
Salaries.	The amount of salary and fees paid to each officer and director, and to whom paid;
Items of expenses.	The items and amount of all other expenses paid during the year;
Claims for losses.	The amount of all claims for losses and other debts existing against the company, showing what amount of claims and losses is then due and payable, what amount has not matured according to the terms of the contract, what amount is resisted for any cause, or for which the company do not consider themselves legally liable;
Description of stock or guarantee capital.	The amount of stock or guarantee capital of the company, if any, and how and in what the same is invested, and of what the same consists, whether of notes, bonds, stocks, mortgages or other securities, the date and amount and names and residence of each maker and signer of each of such notes, bonds, mortgages and other securities, and the amount, value, and location of all lands covered by said mortgages, and the amount of all prior liens and incumbrances thereon if any, and the place, book and page where every such mortgage is recorded; and the value, kind and amount of all such stocks, and the cash market value thereof, and of all other guarantee capital; the time when each and every part of such guarantee capital was withdrawn, and by whom withdrawn; the time when any new guarantee capital was put in, and the amount thereof, and by whom put in and owned, and all changes made in such capital during the year.
Sworn statement to be filed in county clerk's office and published.	<i>Third.</i> A copy of every such sworn statement and report shall in said month of January be filed in the office of the county clerk of the county where the principal business office of the company is located, and another copy thereof shall be

published at least twice during said month in a newspaper printed in such county; and the persons or officers making such sworn statement and report to be filed in the office of the Secretary of State, as aforesaid, shall make and annex thereto, and file therewith in the office of the Secretary of State, an additional affidavit, showing that such report and statement has been published, and a copy thereof filed in the office of the county clerk, as above provided.

Fourth. And if upon due examination it shall appear to the Secretary of State that the losses and expenses of any stock company during the year have exceeded the premiums, and in consequence thereof the capital of such company has become deficient, or from any other cause has become impaired to the extent of twenty-five per cent., it shall be the duty of said Secretary of State to serve a notice in writing upon the officers of such company, to discontinue the issuing of policies at the expiration of sixty days from the date of such notice, and proceed to wind up its business, unless within that time the stockholders thereof shall pay in the amount of such deficiency.

Fifth. And if upon a like examination it shall appear to the Secretary of State that the losses and expenses of any company chartered under this act, on the plan of mutual insurance, have during the year exceeded the cash premiums and assessments collected, to such an extent as to imply a doubt in the mind of said Secretary of State as to the solvency of said company, and its ability to pay all its losses and other debts, it shall be the duty of said Secretary of State to serve a like notice upon the officers of such mutual company, requiring them at the expiration of sixty days from the date of such notice, to discontinue the issuing of policies, and proceed to wind up its business, unless within that time the directors of such company shall collect assessments and pay such losses and debts.

Sixth. And in case any company, stock or mutual, shall continue to issue policies after the expiration of the sixty days, they having failed to comply with the requirements of the Sec-

Affidavit of persons sworn.

When capital is impaired 25 per cent.

Discontinue issuing policies unless deficiency is made up

When solvency is doubted by Secretary of State.

Notified to wind up unless sufficient assets are collected.

Policies issued contrary to law.

Report
fraudulent
or imper-
fect.

Directors
and officers
personally
responsible.

Blanks for
statements
from Secre-
tary of
State.

Failure to
fill require-
ments of
this law or
violate in
any way.

Their guilt.

Penalty.

retary of State in said notice, or if any company having failed to make their annual report to the Secretary of State at the time and in the manner herein prescribed therefor, shall thereafter issue any policy or make any insurance; or if such report to the Secretary of State shall be imperfect or contain false statements, or shall be so made as fraudulently to conceal the actual condition or responsibility of the company, the directors and officers of such company shall be jointly and severally, personally liable and responsible for any losses that may thereafter occur in said company, or to any person insured therein or thereby; and the persons sustaining such losses may sue for and recover the amount of such losses from such directors and officers, or from any one or more of them.

Seventh. It shall be the duty of the Secretary of State, on or before the first day of December in each year, to furnish all companies organized under this act, with blanks for the purpose of making thereon the statement hereby required to be filed, which blanks shall be used by the proper officers in making said statements, which statements shall be full and in accordance with the requirements heretofore set forth; and in case the officers or directors of any company organized under this act, or the act or acts of which this is amendatory, shall fail, neglect or refuse to perform any of the duties required of them by law, within the time and in the manner prescribed for the performance of such duty, or shall knowingly make or permit any false or imperfect statement to be made in any annual or other report or statement required to be made by them or by any of them or by the company to the Secretary of State, or shall do or aid or assist in doing anything which any such company is hereby prohibited from doing, or shall in any manner violate any of the provisions of this act, or shall aid in or consent to any violation of any of the provisions of this act, then and in every such case every director or officer or person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not ex-

ceeding one thousand dollars, nor less than five hundred dollars, or by imprisonment in the county jail not less than three months nor more than one year, or by both such fine and imprisonment, in the discretion of the court; and when such failure, neglect or refusal on the part of the officers of any company is known to the Secretary of State, it shall be his duty to notify the prosecuting attorney of the county where such company is located, whose duty it shall then be to commence legal proceedings against such officers to enforce the penalty hereby imposed.

When neglect or refusal is known to Secretary of State.

Sec. 17. In all cases where any company has been or shall be organized on the plan of mutual insurance under this act, or the act or acts of which this act is amendatory, and has acquired or united, or shall hereafter acquire or unite a stock or guarantee capital, as an additional security to the members over and above the premiums and premium or deposit notes, such stock or guarantee capital shall be assessed a *pro rata* share with the premium or deposit notes held by the company, for all sums assessed to pay the losses and expenses incurred by such company after this act shall take effect; and such stock or guarantee capital shall pay an equal *pro rata* share with such premium or deposit notes of all losses and expenses so incurred; and no interest shall be paid by any such company upon, nor any participation in the profits of the company be allowed or paid for or on account of any such stock or guarantee capital, or to the owners thereof, for or during the time that any assessment thereon shall remain unpaid; nor shall any such stock or guarantee capital be withdrawn by the owner thereof, or by any other person from any such company after this act shall take effect, until all losses and expenses incurred by the company, or which the company has become liable to pay at the time the withdrawal shall have been paid, nor until such capital so withdrawn has paid its just and full *pro rata* share of such losses and expenses; nor shall any such stock or guarantee capital be withdrawn from any such company after this act shall take

Mutuals guarantee capital assessed *pro rata* for losses.

No interest till assessment is paid

Guarantee capital cannot be withdrawn till losses and expenses are paid.

Till *pro rata* share of loss is paid, or without permit from circuit court

effect, except upon the order of the circuit court for the county in which the principal business office of the company is located, permitting such withdrawal, and upon it being made to appear to such court that all losses, liabilities and expenses of the company, to the payment of which the capital sought to be withdrawn is liable to contribute by the provisions of this section, have been paid and discharged in full, and that such withdrawal will not jeopardize or impair the rights and claims of any member of or person interested in such company. Notice of the time and place of making application to the court, for permission to withdraw any such capital stock, together with the reasons for such withdrawal, and the amount sought to be withdrawn, shall be given by publication, for not less than four successive weeks immediately preceding the application, in a newspaper published in said county; and any member of the company, or any person interested in, or having any claim against the same, may appear and oppose the granting of such order.

Notice of withdrawal to be published.

Affidavit of cash value to be attached to stocks and bonds.

That lands are worth twice the mortgage.

Of securities.

Sec. 18. In all cases where any company organized on the mutual plan has acquired or holds, or shall acquire or hold any stock or guarantee capital, consisting of any stocks or bonds of any State, or municipal or other corporation, the president and secretary of the company shall, within the thirty days next preceding the first day of January in each year, make and annex thereto their affidavits, showing the actual cash value in the market of such stocks and bonds; and if any part of such capital shall consist of mortgages, notes or other securities, the owners or members thereof shall, within the thirty days next preceding the first day of January in each year, make and attach to each mortgage an affidavit, showing that the lands covered by such mortgages are worth at least twice the amount secured by the mortgages, over and above all prior liens and incumbrances, and shall make and attach to each note or other security, an affidavit, showing that the maker or other person liable to pay such note or security, owns and holds in his own

name and right, property liable to execution of the value, over and above all his other liabilities, of three times the amount of such note or security; and no such company shall pay any interest for or upon, or allow any participation in profits or representation for or on account of any stock or guarantee capital invested in or consisting of any such stocks, bonds, mortgages, notes or other securities to which the affidavits herein required are not attached, and all such capital for the purpose of allowing interest thereon, or participation in profits on account thereof, shall be estimated and counted at no more than its actual cash value in the market.

Sec. 19. If any stock company, or any company organized under the plan of mutual insurance under this act, or the act or acts of which this is amendatory, shall, by means of any advertisement, notice or statement printed in any newspaper, or by means of any written or printed, or partly written and partly printed notice, circular or hand-bill, or by any agent or other person acting for said company, or by any other means, falsely represent, publish or hold out to the public, that the capital stock of such company, or the stock or guarantee capital of any such mutual company is greater, or of a larger amount than the actual cash market value of such capital stock or guarantee capital, every director, officer or agent of such company guilty of any participation therein shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished as provided in section twelve; and if any such company, after any such false statement or representation notice, advertisement or circular, shall have been given out, circulated or published, shall receive any money, note or obligation for the payment of money, from any person, as a consideration for any insurance made, or policy issued or to be issued by such company, the directors, officers or agents of such company shall be deemed to have obtained such money, note or obligation by false pretenses, designedly, with intent to defraud or cheat the person paying such consideration, and shall be punished the same as persons guilty of obtaining property or money by false pretenses

No interest to be paid till affidavits are attached.

False representations regarding capital stock.

Every director and officer guilty.

Premium or assessment received through false statements.

Penalty.

Extent of
liability.

designedly, with intent to defraud or cheat another, and shall also be liable in damages to the person from whom the money, note or obligation was obtained, in an action in the case for double the amount of the money and note or obligation so obtained, and shall also be jointly and severally liable to the person insured, to pay all losses covered by such insurance:

Provided.

That the said company may proceed with its business receiving money, issuing policies, whenever the circuit judge for the judicial district where the office of said company is located shall certify from proof adduced before him, either that such publication was by mistake, or that the directors, officers or agents making the same have been dismissed from the service of the said company, and whenever, also, the said company shall publish such true statement of its affairs as the said circuit judge shall direct.

When com-
pany does
not pay all
claims with-
in ten days
after receiv-
ing notice.

Sec. 20. If any mutual insurance company, organized or to be organized under this act, or the act or acts of which this is amendatory, shall not within sixty days after the Secretary of State shall have given the notice required by section twelve, of act number 262, of the session laws of 1859, pay up and discharge all outstanding claims against such company, for losses by fire, it shall be the duty of the Secretary of State to file a petition in the circuit court for any county where such company has transacted business, either in vacation or term time, stating that the sixty days within which such company was required to proceed to wind up its business have expired, and that there are outstanding claims against such company for losses by fire, a copy of which said petition shall be published for three successive weeks in a public newspaper printed in such county, or in any daily newspaper printed in the city Detroit.

Secretary of
State's peti-
tion pub-
lished.

Secretary of
State ap-
points re-
ceiver.

Sec. 21. At any time after such publication the Secretary of State may appear in said court in person or by counsel, and move for the appointment of a receiver for said company, and the said company may also be heard, and upon such hearing the report of such company filed in the office of the Secretary

of State shall be conclusive evidence of the facts therein stated, and of the liability of such company, unless such company shall show that they have since paid and discharged the liabilities; and if, upon the hearing thereof, it shall appear to such court that the statement in such petitions are materially true, the said court shall appoint a recorder [receiver] for such company, who shall be and hereby is empowered to take possession of all books and papers and personal property of said company, and shall ascertain the amount due from said company for losses by fire on property insured, and shall at once proceed to assess upon all of the stockholders in such company such sums of money according to the amount any class of their insurance stock or interest in such company, and paid up assessments as will in the aggregate be sufficient to pay all the losses and liabilities of said company; and upon payment of such assessment, the said stockholders shall be discharged of and from all former assessments made by such company, and it shall be the duty of said receiver to give notice of such assessment, by publishing the same in any daily newspaper printed in the city of Detroit, for three successive weeks; and in case any stockholder so assessed, as aforesaid, shall neglect, for thirty days after such publication, to pay the amount of such assessment to said receiver, he may sue the same in any court of competent jurisdiction, in an action of debt or assumpsit in his own name as receiver of said company, and shall be entitled to recover the amount of such assessment upon proof of his appointment as receiver, that the assessment was made by him as such receiver, and that the defendant was a stockholder in said company, or was insured therein, and liable to assessment.

Powers of Receiver.

Assess stockholders.

To what extent.

Publishes notice of assessment.

How enforce assessments

Proofs required.

Sec. 22. Such receiver shall keep an accurate account of all moneys or other property received by him, and shall pay over all moneys by him collected, and the proceeds of all personal property, *pro rata*, upon said losses, after deducting therefrom such sums as the court making such apportionment may deem reasonable, for his services and expenses. The court making such appointment, may also require such receiver to give a

Duties of receiver.

To give bond.

How conditioned.

When he is discharged.

bond, with sufficient sureties, in such penal sum as such court shall determine, which said bond shall run to the people of the State of Michigan, and be conditioned for the faithful discharge of his duties as such receiver; and said court may, from time to time, require such receiver to make a report, and upon the coming in of his final report, showing a full and faithful performance of such trust, may discharge him from all further liability.

Sec. 23. This act shall take immediate effect.

Approved March 28, 1867.

JOINT RESOLUTIONS.

[No. 1.]

JOINT RESOLUTION directing the Board of State Auditors to audit the accounts and claims of the late Secretary of State for repairing and improving the State House.

Whereas, The Legislature of this State, by a concurrent resolution, approved March twenty-first, eighteen hundred and sixty-five, instructed the then Secretary of State to make sundry additions, repairs and improvements therein specified, in and about this State House, and appropriated a sum not exceeding five thousand dollars to defray the cost thereof;

And whereas, On examination, after the final adjournment of the Legislature, it was found to be necessary that certain other repairs and improvements not specified in said resolution should be made, to preserve the building and give to its halls and exterior a decent appearance;

And whereas, Said Secretary, by the advice of other State officers, did proceed and make such additional repairs and improvements, amounting, as he represents, to about three thousand dollars; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the making of said additional improvements be and the same is hereby approved; and that the Board of State Auditors are hereby directed to examine and audit the accounts of said Secretary in the premises, including his claims for superintending the work, as well as his receipts and disbursements, and to allow said Secretary such sum as they shall find justly and equitably due to him from the State; and for such sum so allowed, the Auditor General is hereby directed to draw his warrant on the State Treasurer, who is hereby required

to pay the same out of any money in the treasury not otherwise appropriated: *Provided*, That the amount allowed for such superintendence shall not exceed the sum of three hundred dollars.

This resolution shall take immediate effect.

Approved February 5, 1867.

[No. 2.]

JOINT RESOLUTION granting lands to the Lac La Belle harbor improvement company.

Whereas, By an act of Congress, approved July 3, 1866, one hundred thousand acres of land were granted to the State of Michigan, for the use and benefit of the Lac La Belle harbor improvement company, for the purpose of aiding in the construction of a ship canal to connect the waters of Lake Superior with the lake known as the Lac La Belle, in the State of Michigan;

And whereas, Said canal has been constructed and completed by said company, according to the terms of said act of Congress, and to the satisfaction of the Governor of said State; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor is hereby authorized and directed to issue patents for said lands, in the usual form, to said company, as soon as patents shall be issued to said State by the Secretary of the Interior.

[This resolution shall take immediate effect.]

Approved February 7, 1867.

[No. 3.]

JOINT RESOLUTION asking the general government for a grant of land to aid in the construction of the Mineral Range railroad.

Whereas, The development of the mineral resources of the Lake Superior region of the State of Michigan has become a subject of national importance;

And whereas, The greater portion of the mineral range of said region, extending from Keweenaw Point to nearly the west end of Lake Superior, is distant from a safe harbor, and approachable only by land carriages, the expense of which is so great as to preclude the successful opening and working of the mines;

And whereas, A company for the construction of a railroad from Lac La Belle to the Cliff mine, in Keweenaw county, and thence along the mineral range to some point on the Montreal river, (or the head of Lake Superior,) has perfected its organization under the laws of the State of Michigan, which company purposes to build said road within ten years;

And whereas, The construction of said road will open to the markets of the world the inexhaustible wealth of said mineral range, giving employment to thousands of laborers, and adding largely to the national revenue;

And whereas, The national government has practiced this policy of disposing of the public domain, as a proper means to develop the resources of the country, and has made liberal grants of land to aid in the construction of railroads; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That we respectfully ask the Congress of the United States to grant to the State of Michigan fifteen sections of land for each mile of the length of said road, to be selected from the lands belonging to the general government in the Upper Peninsula, and authorizing any company that may build said railroad to sell seventy sections of said land upon the completion of every ten consecutive miles of said railroad.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use all honorable means to secure the immediate grant of said lands for the purpose set forth in the preamble to these resolutions.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolutions to our Senators and Representatives in Congress.

Approved February 7, 1867.

[No. 4.]

JOINT RESOLUTION asking Congress to make money appropriations for the survey of the harbor of Alpena, at the mouth of Thunder Bay river, and for building a light house, and making other improvements thereat.

Whereas, There are in the north-eastern part of this State, several good natural harbors requiring but small appropriations from the general government to make them accessible and valuable harbors and commercial points;

And whereas, The commerce of all the States bordering on the north-western lakes would be promoted and protected by the improvement of one or more of said harbors; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Congress of the United States are hereby requested to cause such surveys and estimates to be made of the harbor of Alpena, at the mouth of Thunder Bay river, as will enable Congress to make available an appropriation for building a light house, and completing the improvements on said harbor, at an early day, and also to make an appropriation in money therefor.

Resolved, That the Governor be requested to cause copies of these preambles and resolutions to be forwarded to each of our Senators and Representatives in Congress.

Approved February 11, 1867.

[No. 5.]

JOINT RESOLUTION authorizing the Commissioner of the State Land Office to issue a certificate of sale of certain land to Charles McCormick, of Ypsilanti, Michigan.

Whereas, Charles McCormick, of Ypsilanti, Michigan, is the owner of all the rights conferred upon George Monroe, by certificate number three hundred and ninety, issued by John D. Pierce, Superintendent of Public Instruction, bearing date October seventeenth, in the year of our Lord one thousand eight hundred and thirty-seven; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office, or the proper officer, be and he is hereby authorized, instructed and directed to execute and deliver to said Charles McCormick, his heirs or assigns, a certificate of purchase of the lands described on said certificate, providing therein for the payment of the amount due the State thereon, with interest according to law: *Provided*, That before such certificate shall be so issued, the former certificate issued to said George Monroe, dated October seventeenth, eighteen hundred and thirty-seven, shall be surrendered to the Commissioner of the State Land Office.

This joint resolution shall take immediate effect.

Approved February 11, 1867.

[No. 6.]

JOINT RESOLUTION asking Congress for an appropriation in money to aid in the construction of a harbor at New Buffalo, in Berrien county.

Whereas, The safety and interest of the great and growing commerce of our lakes demand a harbor and roadstead near the head of Lake Michigan, which would be accessible to vessels navigating the lake in the most violent storms that prevail there, namely:—the west, north-west and north winds;

And whereas, Several United States officers in charge of the

lake harbor improvements have reported in favor of such a harbor near the mouth of the Galien river, at New Buffalo, Berrien county, which would not only accommodate the local commerce of the lake, but would be accessible and necessary to the maintainance of a national armed fleet in time of war; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to use their influence to obtain from Congress an appropriation in money to aid in constructing a harbor at New Buffalo, Berrien county.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolution to our Senators and Representatives in Congress.

Approved February 11, 1867.

[No. 7.]

JOINT RESOLUTION asking the government of the United States for an appropriation in money, for the construction of harbors at the mouths of the Pentwater and Pere Marquette rivers.

Whereas, There are no safe harbors between Muskegon and the Manitou Islands, a distance of over two hundred miles, on Lake Michigan, where our steamers and sailing vessels can lie in safety;

And whereas, The Pentwater and Pere Marquette rivers empty into Lake Michigan, between Grand Pointe au Sauble and Petite Pointe au Sauble, two of the most dangerous points upon the lake, and can be made safe and commodious harbors, at a moderate expense; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators, and members of the House of Representatives, in Congress, be requested to use their best endeavors to obtain from Congress an appropriation in money,

to aid in constructing harbors at the mouths of the Pentwater and Pere Marquette rivers.

Resolved, That the Governor be requested to transmit copies of the foregoing preambles and resolution to our Senators and Representatives in Congress.

Approved February 11, 1867.

[No. 8.]

JOINT RESOLUTION asking the general government for an appropriation in money, for the construction of a break-water and lighthouse in the harbor of Port Austin.

Whereas, There is no safe harbor of refuge for shipping and the protection of life and commerce, on Lake Huron and Saginaw Bay, between St. Clair river and the mouth of Saginaw river, a distance of one hundred and sixty miles;

And whereas, A safe, convenient and commodious harbor can be created by the erection of a break-water in the harbor of Port Austin, which would save to commerce the delay, and to life the danger of seeking refuge sixty to one hundred miles away;

And whereas, The many dangerous reefs in the vicinity of the mouth of Saginaw Bay, and the frequent recurrence of sudden and violent storms in that region, have been the cause of many wrecks and great loss of life and property, which would, to a great extent, be avoided if a lighthouse were erected upon the lot now owned by the United States, and purchased by them for that purpose, at the harbor of Port Austin, on the north-west side of Point au Barques; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to use their influence to secure an appropriation in money, for the purpose of constructing a break-water and lighthouse in the harbor of Port Austin, Michigan.

Resolved, That the Governor be requested to transmit copies

of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

Approved February 11, 1867.

[No. 9.]

JOINT RESOLUTION asking Congress for an appropriation of money, to improve Portage lake and river, in Houghton county.

Whereas, Portage lake is distant about four miles from Keeweenaw Bay, (Lake Superior,) connected therewith by Portage river;

And whereas, A company has been duly organized under the laws of the State of Michigan, by the name of the "Portage Lake and River Improvement Company," having for its object the improvement of said river, so as to admit the passage of steamers and sailing vessels into Portage lake;

And whereas, A large sum of money has been expended in said improvement, and yet it is difficult to navigate said river, the channel being too narrow, crooked and not of sufficient depth, the larger steamers and vessels being compelled to lighten before they can pass through;

And whereas, Congress has heretofore made liberal appropriations of money for the improvement of harbors and rivers in different parts of the Union, but have not as yet made any for the improvement of those on Lake Superior, notwithstanding the rapid growth of our commerce, and the imperative necessity of these improvements; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators in Congress, and the members of the House of Representatives be requested to use their influence to obtain from Congress an appropriation in money, for the improvement of said Portage lake and river.

Resolved, That his Excellency the Governor be requested to

transmit copies of the foregoing preamble and resolutions to out Senators and Representatives in Congress.

Approved February 11, 1867.

[No. 10.]

JOINT RESOLUTION asking Congress for an appropriation of money to improve the harbor at the mouth of the Kalamazoo river, in Allegan county.

Whereas, There is at the mouth of the Kalamazoo river, in the county of Allegan, and State of Michigan, a good natural harbor, where with a small appropriation at the entrance of the harbor, our steamers and sailing vessels can enter and lie with safety;

And whereas, The current of the river will, unless checked by substantial piers at the mouth of said river, soon wash away the foundation of the light-house erected by the general government;

And whereas, There is a large trade carried on from the mouth of said river with the city of Chicago and other lake ports, which is rendered exceedingly dangerous in consequence of the formation of a bar across the entrance of said harbor, causing vessels to pass out of said harbor partly loaded and complete the loading outside by means of lighters;

And whereas, The citizens of said county have raised quite a sum of money and expended the same in the construction of piers at the mouth of said river during the past season, thereby deepening the channel of said river and increasing the depth of water on the bar from four and a half feet to seven and a half feet;

And whereas, it is necessary to continue said piers out into Lake Michigan a distance of from eight hundred to one thousand feet, in order to protect the entrance of said harbor from the formation of sand-bars, and in order to give suitable and convenient depth of channel to afford proper facilities for the

commercial business otherwise afforded by said harbor; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to use their best endeavors to obtain an appropriation of money to aid in the construction of piers at the mouth of the Kalamazoo river to protect the harbor thereat.

Approved February 12, 1867.

[No. 11.]

JOINT RESOLUTION asking an appropriation of lands by Congress to endow female colleges in the several States.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Legislature of the State of Michigan hereby renews the request made by the preceding Legislature, that our Senators and Representatives in Congress use their influence to procure a donation of lands by Congress to endow female colleges in the several States.

Resolved, That the Governor be and he is hereby requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

Approved February 15, 1867.

[No. 12.]

JOINT RESOLUTION ratifying the proposed amendment to the constitution of the United States.

Whereas, The Congress of the United States, after solemn and mature deliberation therein, has by a vote of two-thirds of both Houses, passed "a joint resolution submitting to the Legislatures of the several States a proposition to amend the constitution of the United States," which resolution is in the following words:

Be it resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, (two-thirds of both Houses concurring,) That the following article be proposed to the Legislatures of the several States, as an amendment to the constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as part of the constitution, namely:

ARTICLE XIV.

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Sec. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State being twenty-one years of age, and citizens of the United States, or in any way abridged except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Sec. 3. No person shall be a Senator or Representative in Congress, or elector of President or Vice President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a mem-

ber of any State Legislature, or as an executive or judicial officer of any State, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Sec. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Sec. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That in the name and in behalf of the people of this State, we do hereby ratify, approve and assent to the said amendments.

Resolved, That a copy of this assent and ratification be engrossed on parchment, and transmitted by his Excellency the Governor to the United States in Congress assembled, and that he transmit a like copy to the Secretary of State of the United States.

Approved February 15, 1867.

[No. 13.]

JOINT RESOLUTION to protect the fisheries of this State in the Upper Peninsula, to the people of the State and of the United States.

Whereas, Reliable information has been received that persons not citizens of this State, nor of the United States, are in the practice of temporarily emigrating to the fisheries of this State

in the Upper Peninsula, for the purpose of catching and carrying away large quantities of fish during the fishing season, and thereby evading the payment of all taxes for the support of the State, or of the general government;

And whereas, These proceedings are unlawful and contrary to the best interests of a large class of the industrious citizens of this State, who depend solely for a living on this precarious branch of commerce; therefore,

Resolved, That the attention of the Secretary of the Treasury of the United States be called to this gross violation of the rights of the citizens of this State and of the United States, with a request that a revenue cutter be dispatched, at the opening of navigation, to the straits of Michilimackinac, to stop these unlawful proceedings.

Resolved, That his Excellency the Governor, be requested to transmit a certified copy of the foregoing preamble and resolution to the said Secretary of the Treasury.

Approved February 15, 1867.

[No. 14.]

JOINT RESOLUTION asking Congress for an appropriation of money to improve the harbor of White river, in Muskegon county, State of Michigan.

Whereas, White river harbor, at the mouth of White river, in Muskegon county, is inadequate and insufficient to accommodate without great extra cost and delay, the shipping interest of that locality;

And whereas, Whithin the last six months there has been a governmental survey of said harbor, in the report of which the necessity and importance of the work is fully and fairly set forth;

And whereas, Not only the interests of that locality, but the whole marine interests of Lake Michigan are directly interested therein;

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress are requested to use all honorable means to procure an appropriation of money for the completion of the harbor of White river.

Resolved, That his Excellency the Governor be requested to transmit copies of the foregoing preamble and resolutions to our Senators and Representatives in Congress.

Approved February 15, 1867.

[No. 15.]

JOINT RESOLUTION asking of Congress a grant of land to this State, to aid in deepening the channel of navigation between Lake Superior and Eagle Harbor, in the county of Keweenaw.

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to use their influence to procure a grant by Congress to this State, of one hundred thousand acres of land to aid in the improvement of the channel of navigation between Lake Superior and the waters of Eagle Harbor, in the county of Keweenaw, on said Lake, by deepening and widening the said channel, so that the same shall be not less than fourteen feet in depth and eighty feet in width at the bottom.

Resolved, That the Governor be and he is hereby directed to transmit copies of the foregoing resolution to each of our Senators and Representatives in Congress.

Approved February 18, 1867.

[No. 16.]

JOINT RESOLUTION authorizing the Governor to execute the certificate of non-incumbrance and surrender of the lands on the original line of the Marquette and Wisconsin State line railroad.

Whereas, By act of Congress, approved June third, eighteen hundred and fifty-six, there was made, among other grants to this State, a grant of land to aid in the construction of a railroad from Marquette to the Wisconsin State line;

And whereas, By joint resolution of Congress, approved July fifth, eighteen hundred and sixty-two, a change of the route of said road was authorized, and in fact has been made;

And whereas, The company have executed a release of said land to the Governor; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor be and he is hereby authorized to execute and file the certificate of non-incumbrance and surrender to the United States of the land on the original line of said railroad, required by said joint resolution.

Approved February 21, 1867.

[No. 17.]

JOINT RESOLUTION asking Congress for an appropriation of money to improve the harbor at the mouth of South Black river, in Van Buren county.

Whereas, The south-easterly shore of lake Michigan is in great need of safe harbors of refuge;

And whereas, Important local interests also require a safe harbor at the mouth of South Black river, in Van Buren county, Michigan;

And whereas, The people of South Haven and adjacent towns have already taxed themselves heavily, and thereby made valuable improvements upon the aforesaid harbor; therefore,

Be it resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in

Congress be requested to use their best endeavors to obtain from Congress an appropriation in money, to aid in the construction of such harbor at the mouth of South Black river aforesaid.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolution to our Senators and Representatives in Congress.

Approved February 21, 1867.

[No. 18.]

JOINT RESOLUTION asking the government of the United States for an appropriation in money, for the construction of a harbor at the mouth of the Ontonagon river.

Whereas, There is no safe harbor between Copper Harbor and L'Pointe, on Lake Superior, a distance of one hundred and eighty miles, except the harbor at the mouth of the Ontonagon river, where our steamers and sailing vessels can enter and lie in safety;

And whereas, The Ontonagon river empties into Lake Superior about half way between said points, and has a sufficient depth of water, but has been and is liable to be obstructed by a bar forming across its entrance, and thereby greatly increasing the dangers of navigation on Lake Superior, and obstructing the commerce thereof;

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators, and members of the House [of] Representatives be requested to use their best endeavors to obtain from Congress an appropriation in money, to aid in constructing a harbor at the mouth of the Ontonagon river.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolution to our Senators and Representatives in Congress.

Approved February 21, 1867.

[No. 19.]

JOINT RESOLUTION requesting our Senators and Representatives in Congress to use all honorable means to obtain the passage of a judicious and effective protective tariff on importations of copper, iron, lumber, salt, flax and wool, and articles manufactured therefrom.

Whereas, The material prosperity of this State depends largely upon its production of the great staples, copper, iron, lumber, salt, flax and wool;

Whereas, The successful production of those articles is materially hindered by their importation in the raw and manufactured condition, to the prejudice of the interests of this State and the country at large, and to the advantage and prosperity of foreign manufacturers and producers;

And whereas, We believe that protection of the products and manufactures of this State and nation would tend to increase our independence and wealth, and raise our producing and laboring classes still higher above the condition of dependence and semi-serfdom of like classes in foreign countries; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That we do most earnestly request our Senators and Representatives in Congress to use all honorable means to obtain the passage of a judicious and effective protective tariff on importations of copper, iron, lumber, salt, dressed flax and wool, and articles manufactured therefrom.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolution to our Senators and Representatives in Congress.

Approved February 27, 1867.

[No. 20.]

JOINT RESOLUTION requesting our Senators and Representatives in Congress to take such steps as shall be suitable and necessary to insure the passage of a bill by that body to secure the speedy construction of the Northern Pacific railroad and telegraph line.

Whereas, The speedy and early construction of the Northern Pacific railroad being of very great national importance, as a means to promote both internal and international intercourse; to induce immigration, the settlement of the public domain and the general growth of the country, as well as to meet the great national wants in a military respect; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be and they hereby are requested to use all suitable and necessary efforts to insure the passage of the bill now before that body, or in its possession, entitled a bill "to secure the speedy construction of the Northern Pacific railroad and telegraph line, and to secure to the government the use of the same for postal, military and other purposes;" or in lieu thereof, to frame, and if practicable, secure the passage of such other bill as shall be most eligible for accomplishing this great national work.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolution to our Senators and Representatives in Congress, without any unnecessary delay.

Approved February 27, 1867.

[No. 21.]

JOINT RESOLUTION authorizing and directing the Board of State Auditors to issue a deed to the Congregational Society of Lansing.

Whereas, By act number two hundred and thirty-one, of the session laws of eighteen hundred and forty-eight, and the acts amendatory thereof, the Board of State Auditors were author-

ized, on application in writing, by any religious denomination of professing Christians, to the Auditor General, and the payment to the Treasurer of the sum of five dollars, to convey by deed to the proper officers of such societies, suitable grounds for the erection of houses of public worship in the town of Michigan, (now city of Lansing;)

And whereas, Lot ten, block one hundred and twenty-eight, was selected by the proper officers of the Congregational Society, as shown by the records in the office of the Commissioner of the State Land Office, for the purposes aforesaid;

And whereas, No conveyance appears of record of said lot, and said lot having been built upon by the Congregational Society of Lansing, and being now occupied by them for a place of worship; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That upon the payment to the State Treasurer by the said Congregational Society of Lansing, of the sum of five dollars, as required by the provisions of the aforesaid acts, the Board of State Auditors are hereby authorized and directed to convey by deed to said Society, lot ten, block one hundred and twenty-eight, according to the recorded plat of said city of Lansing.

This resolution shall take immediate effect.

Approved March 1, 1867.

[No. 22.]

JOINT RESOLUTION calling the attention of Congress to the great national importance of fortifying the Island of Mackinac, in the Straits of Michilimackinac, and the Sault Ste. Marie, at the Falls of Ste. Marie, and to establish a gunboat station in connection therewith.

Whereas, We deem it of the utmost importance, that ample measures be taken to provide adequate protection to the vast commerce of our inland seas, and to insure the more perfect safety of the great and growing cities of the west;

And whereas, The first military men of the nation have given their unqualified approval of the importance of the Island of Mackinac, in the Straits of Michilimackinac and the Sault Ste. Marie, at the Falls of Ste. Marie, as the military key to the whole north-western frontier, at present defenseless and unarmed, against invasion from a foreign foe;

And whereas, The Sault Ste. Marie canal is a work of great importance, not only to the people of Michigan, but to the people of the United States, who depend on this outlet for the vast products of the mines of Lake Superior to the markets of the world; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to urgently present the importance of this subject to the attention of Congress, and at an early day to secure the necessary appropriation to construct suitable fortifications at the above points, and to establish a gunboat station in connection therewith.

Resolved, That his Excellency the Governor be requested to transmit copies of the foregoing preamble and resolution to each of our Senators and Representatives in Congress, and to the Governors of the States of Illinois, Wisconsin and Minnesota, with a request to call the attention of their respective Legislatures to this subject, and to secure their coöperation.

This resolution shall take immediate effect.

Approved March 1, 1867.

[No. 23.]

JOINT RESOLUTION asking Congress to provide by law for a pension of eight dollars per month to the survivors of soldiers in the war of eighteen hundred and twelve, and the widows of those who are dead, from April first, eighteen hundred and sixty-five.

Whereas, A bill is now pending before the Congress of the United States, providing for the payment of a pension of eight dollars per month, to the surviving soldiers of the war of

eighteen hundred and twelve, and the widows of those who are dead, from April first, eighteen hundred and sixty-five;

And whereas, Such a provision for the survivors of said war, would seem to be not only highly just and proper, but in entire consonance with the action of the general government, in providing pensions for the survivors of the war of the revolution; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives be requested to use their influence to procure the passage of a bill providing for such pension to the survivors of the war of eighteen hundred and twelve, and to the widows of those who are dead, from April first, eighteen hundred and sixty-five.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolution to our Senators and Representatives in Congress.

Approved March 13, 1867.

[No. 24.]

JOINT RESOLUTION providing for the publication of the laws of 1867 in two volumes, one to contain all general laws, joint and concurrent resolutions, and the other all laws of a local character.

Whereas, The laws already enacted by the Legislature of eighteen hundred and sixty-seven, and likely to be enacted, will, when published, make a volume cumbrous and inconvenient;

And whereas, Acts of a local nature are of interest only to persons interested in the locality affected by such laws;

And whereas, The publication in two volumes will be attended with no considerable extra expense; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the acts passed by the Legislature of the State of Michigan, at the session of 1867, shall be published in two volumes, one to contain all acts of a general nature, joint

and concurrent resolutions, and the other all acts of a local character.

Approved March 13, 1867.

[No. 25.]

JOINT RESOLUTION providing for the printing and distribution of the tax laws to certain city and township officers.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be and he is hereby instructed to compile and procure to be printed in pamphlet form, all the laws of this State now in force, and those that may be enacted by this Legislature at its present session, relative to the assessment and collection of taxes, and that he forward to each of the county clerks a sufficient number of copies of said laws, to furnish one copy to each supervisor, assessor and township treasurer, in each city and organized township.

This joint resolution shall take immediate effect.

Approved March 13, 1867.

[No. 26.]

JOINT RESOLUTION asking Congress for an appropriation of land to aid in the construction of a railroad from Menominee, in Menominee county, to Houghton, in Houghton county.

Whereas, There is a rich and extensive iron district of country between Menominee, in Menominee county, and the village of Houghton, in Houghton county;

And whereas, The most feasible and natural outlet of said iron district is by the valley of the Menominee river, which passes through said iron district; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress

be and they are hereby requested to use their influence to procure a grant of land from Congress to aid in the construction of a railroad from Menominee, in Menominee county, to the village of Houghton, in Houghton county, Michigan.

Resolved, That His Excellency the Governor be requested to transmit a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

Approved March 15, 1867.

[No. 27.]

JOINT RESOLUTION asking for a grant of lands for a railroad from the iron mining region of the Upper Peninsula, to Munising and the Straits of Mackinaw.

Whereas, From the development of the immense deposits of copper and iron in the Upper Peninsula of Michigan, bordering on Lake Superior, the copper and iron mining interests of that part of the State have become of great and growing importance to the public and the State at large;

And whereas, There is no direct communication by land from those mining regions to the Lower Peninsula of the State, or to its capital, or to its commercial metropolis; and in the winter season, when navigation is interrupted, communication therewith can only be had by a long and circuitous route through three other States, and around the head waters of Lake Michigan;

And whereas, Grants of land have been made for the construction of railroads in the Lower Peninsula to the Straits of Mackinaw, whereby the interior thereof and the capital and the commercial metropolis of the State will have communication by land with said straits;

And whereas, By means of the Marquette and Ontonagon railroad, for which a grant of public lands has been made, and which is being constructed, and a section thereof now in operation, the copper region in the western will be connected with the iron region in the eastern portion of said Upper Peninsula,

and it is of high importance to the public interests, and particularly those of the mining regions aforesaid, that they should be connected by railroad with the Straits of Mackinaw and the railroads aforesaid, to be constructed thereto; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in the Congress of the United States be requested to use their influence and all appropriate and proper efforts to procure a grant of lands to the State of at least sixteen sections to the mile, to aid in the construction of a railroad from a point at or near Negaunee, in the iron region aforesaid, on the Marquette and Ontonagon railroad, in the county of Marquette, by the way of Munising, opposite Grand Island harbor, on Lake Superior, to the Straits of Mackinaw.

Resolved, That his Excellency the Governor be requested to transmit copies of the foregoing preamble and resolutions to our Senators and Representatives in Congress.

Approved March 20, 1867.

[No. 28.]

JOINT RESOLUTION relative to the location and sale of the lands donated to the State of Michigan for the endowment of colleges for the benefit of agriculture and the mechanic arts.

Whereas, The Legislature of this State, by an act approved March eighteenth, eighteen hundred and sixty-three, conferred upon the agricultural land grant board, consisting of the Governor, the Auditor General, Secretary of State, State Treasurer, Attorney General and Commissioner of the State Land Office, the entire control and management of the selection, the care and disposal of the lands granted to this State by act of Congress, approved July second, eighteen hundred and sixty-two;

And whereas, It is for the interest of the State Agricultural College, of the tax-payers of this State, and of the inhabitants

residing in the vicinity of said lands, that these lands be sold at an early day, and the proceeds be applied to the endowment of the State Agricultural College;

And whereas, It is understood that the Secretary of the Interior of the United States will not issue patents for these lands until the amount is located; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the agricultural land grant board be and the same hereby are instructed and directed to complete the location of these lands, and take the necessary steps to obtain patents therefor from the Secretary of the Interior of the United States, and at the earliest day practicable place the said lands in market, and sell the same according to the provisions of an act entitled "an act to provide for the selection, care and disposition of the lands donated to the State of Michigan, by act of Congress, approved July second, eighteen hundred and sixty-two, for the endowment of colleges for the benefit of agriculture and the mechanic arts," and approved March eighteenth, eighteen hundred and sixty-three.

Approved March 20, 1867.

[No. 29.]

JOINT RESOLUTION asking the general government for the substitution of even for odd sections, in the appropriation of lands to aid in the construction of wagon roads.

Whereas, Congress, by an act approved June 20th, 1864, appropriated to this State for the purpose of constructing two wagon roads, one from Grand Rapids to Mackinaw, and the other from Saginaw City to the same point, certain lands in odd sections;

And whereas, The several appropriations to railroads in this State have used up the chief and most valuable part of said lands;

And whereas, The appropriation, as it now stands, is deemed inadequate to the undertaking;

And whereas, The early construction of these roads is deemed to be of great importance to the localities through which they will run, as well as to the State at large, connecting with good substantial lines of communication two extremities of the State for much of the year, greatly in need thereof; therefore,

Be it resolved by the Senate and House of Representatives of the State of Michigan, That our Senators be instructed, and our Representatives be requested to use their influence towards securing a change in the appropriation, by the substitution of even sections instead of odd.

Resolved, That the Governor be authorized and requested to forward a copy of these preambles and resolutions, properly signed by the President of the Senate and Speaker of the House of Representatives, to each of our Senators and Representatives in Congress, immediately after their passage.

Approved March 26, 1867.

[No. 30.]

JOINT RESOLUTION authorizing the Commissioner of the State Land Office to issue a certificate of sale of certain land to Alexander Wattles, Jr., of Troy, Oakland county, Michigan.

Whereas, Alexander Wattles, Jr., of Troy, Oakland county, Michigan, claims to be the owner of all the rights conferred upon Luther Cobb, of Ottawa county, by certificate number six thousand four hundred and eighty-six, issued by Seymour B. Treadwell, Commissioner of the State Land Office, and dated May twenty-first, eighteen hundred and fifty-six, for forty acres of primary school lands, and some of the assignments of said certificate were not witnessed and acknowledged as the law requires, and said parties died in the army of the United States; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office, or the proper officer, be and he hereby is authorized, instructed and directed to execute and deliver to said Alexander Wattles,

Jr., his heirs or assigns, a certificate of purchase of the lands described on said certificate, providing therein for the payment of the amount due the State thereon, with interest, according to law: *Provided*, That such certificate shall not be issued by said Commissioner, unless he shall be satisfied that said Alexander Wattles, Jr., is, or his heirs or assigns are the owner or owners of all the rights conferred upon said Luther Cobb.

Approved March 27, 1867.

[No. 31.]

JOINT RESOLUTION relative to customs and excise.

Resolved by the Senate and House of Representatives of the State of Michigan, That the revenue laws of the general government, including both customs and excise, should be so framed as—

First. To produce the requisite national income;

Second. To be just and equal in their operation, taxing capital or realized wealth, rather than labor and mere efforts, and seeking to enable the producer to put his products in the market at the lowest practicable cost; and,

Third. To permit and assist each branch of useful industry, so far as practicable, to realize and enjoy the conditions of prosperity peculiar to itself, so as to afford the greatest amount of production; that they should do this—not in a few branches of industry merely—but in all alike, discriminating up and down, as need shall be, for this purpose.

Approved March 27, 1867.

[No. 32.]

JOINT RESOLUTION authorizing the Governor to relinquish the right of the State to certain lands to the United States.

Whereas, It is represented that Charles Blank, of Oceana county, State of Michigan, did, on the eighteenth day of August, eighteen hundred and fifty-eight, file his declaratory

statement in the Ionia land office, for the north-east quarter of the south-west quarter and the north-west quarter of the south-east quarter of section seven, in town sixteen north, of range seventeen west, alleging settlement two days previously; and under date of July twenty-eighth, eighteen hundred and fifty-nine, appeared at the said land office and proved up the said claim, and that he had complied with the preëmption act and paid for said land, and that he has since made valuable improvements upon said land;

And whereas, It appears that his duplicate has been canceled, because said land was a part of an approved list of lands reserved for the Flint and Pere Marquette railroad, and that said Charles Blank had the prior claim to the land; and that it is necessary for the Governor of the State of Michigan to relinquish the right of the State to said land before a patent can be issued to him by the general government;

And whereas, It also appears that John Brown, of said county, filed his claim, covering the south-west quarter of section twenty-five, in town sixteen north, of range seventeen west; and that William Jennings filed his claim to the south-east quarter of section nine, town sixteen north, of range seventeen west; and that Frederick Von Helmrich filed his claim to the south-west quarter of the south-east quarter of section seventeen, town sixteen north, of range seventeen west, at the same time as the said Charles Blank, and that they proved up their claims in the same manner, and paid for their lands, and that their duplicates have been canceled for the same reason that Mr. Blank's duplicate was canceled; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor be and he is hereby authorized to relinquish the rights of the State in and to the above described lands to the United States, whenever he may be requested so to do by the Commissioner of the United States General Land Office, and whenever also the Flint and Pere Marquette railroad company shall file with the Governor its assent thereto, in order that patents may be issued to the above

named parties, their heirs or assigns: *Provided*, The Governor, on an investigation of the facts, is satisfied such release should be made by the State.

Approved March 27, 1867.

[No. 33.]

JOINT RESOLUTION authorizing the Commissioner of the State Land Office to issue a certificate of purchase of certain lands to George S. Freer, of Lima, Michigan.

Whereas, George S. Freer, of Lima, Michigan, claims to be the owner of all the rights conferred upon Hiram Ward, by certificate number three hundred and eighty-six, B, issued by John D. Pierce, Superintendent of Public Instruction, bearing date October seventeenth, in the year of our Lord one thousand eight hundred and thirty-seven; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office, or the proper officer, be and he is hereby authorized, instructed and directed to execute and deliver to said George S. Freer, his heirs or assigns, a certificate of purchase of the lands described in said certificate, providing therein for the payment of the amount due the State thereon, with interest, according to law: *Provided*, That before such certificate shall be issued, the former certificate issued to said Hiram Ward, be surrendered to the Commissioner of the State Land Office, and said Commissioner shall first be satisfied that said George S. Freer is the owner of all the rights conferred by said original certificate number three hundred and eighty-six, B, dated October seventeenth, eighteen hundred and thirty-seven.

This resolution shall take immediate effect.

Approved March 27, 1867.

[No. 34.]

JOINT RESOLUTION for the relief of Henry Johr, John E. Kitton, John Canan and Francis Krouse.

Whereas, Henry Johr, late treasurer of the county of St. Clair, claims that he was robbed of the sum of seven thousand five hundred dollars, on the twentieth day of November, in the year of our Lord one thousand eight hundred and sixty-six, at the city of Detroit, while on his route from St. Clair to Lansing, to pay the same to the Auditor General of the State of Michigan, which said sum of money had been received by the said Henry Johr on the sale of lands delinquent for taxes, at the annual tax sales in the county of St. Clair, in October, in the year of our Lord one thousand eight hundred and sixty-six;

And whereas, Said sum of seven thousand five hundred dollars, nor any part thereof, has been recovered by the said Henry Johr; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors is hereby authorized and empowered to determine the claim of the State against said Henry Johr, and cause the bond executed by said Henry Johr, as principal, and John E. Kitton, John Canan and Francis Krouse, as securities, upon the payment by either of said last named person[s] of such sum or sums as said Board may deem proper to receive.

This resolution shall take immediate effect.

Approved March 27, 1867.

[No. 35.]

JOINT RESOLUTION authorizing the Commissioner of the State Land Office to issue a certificate of sale of certain land to L. Alonzo Mallery, of the township of Reading, Michigan.

Whereas, L. Alonzo Mallery, of Reading, Michigan, claims to be the owner of all the rights conferred upon John G. Lyon, by primary school land certificate, number twenty-nine hun-

dred and sixty-seven, issued by the Commissioner of the State Land Office, bearing date May twenty-third, in the year of our Lord one thousand eight hundred and fifty;

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office, or the proper officer, be and is hereby authorized to execute and deliver to the said L. Alonzo Mallery, his heirs or assigns, a certificate of purchase of the lands described on said certificate, (being the south-east quarter of the south-west quarter of section sixteen, in township seven south, of range four west, in this State,) providing therein for the payment of the amount due the State thereon, with interest, according to law: *Provided,* That said L. Alonzo Mallery can establish his legal title to the rights of said John G. Lyon, to the lands above described, to the satisfaction of said Commissioner.

Approved March 27, 1867.

[No. 36.]

JOINT RESOLUTION asking Congress for an appropriation of money to improve the harbor at the mouth of Cheboygan river.

Whereas, The growing commerce of our great lakes demand that there should be safe and convenient harbors in or about the straits of Mackinaw, (in the south passage so called,) where our ships and steamboats could anchor in safety during rough and stormy weather;

And whereas, The mouth of the Cheboygan river has a fine natural harbor, which could be dredged out at a small expense, and made a safe and convenient port for a large class of vessels engaged in the carrying trade of our lakes; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to use their influence to procure an appropriation of money to improve the harbor at the mouth of said river.

Resolved, That his Excellency the Governor, be requested to transmit copies of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

Approved March 27, 1867.

[No. 37.]

JOINT RESOLUTION providing for the distribution of the highway laws to certain county and township officers.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be and he is hereby instructed to compile and procure to be printed in pamphlet form, all laws in this State now in force, and those that may be passed by this Legislature at its present session, relative to highways, and the duties of commissioners and overseers of highways, and that he forward to each of the county clerks a sufficient number of copies of said laws to furnish one copy each to the county clerk and county treasurer, and to each township clerk and highway commissioner in each organized township in this State.

This resolution shall take immediate effect.

Approved March 27, 1867.

[No. 38.]

JOINT RESOLUTION to authorize the preparation of a history of the part borne by the State of Michigan, in the war for the suppression of the great rebellion.

Whereas, The State of Michigan has borne an important part in the war for the preservation of the Union—her soldiers having distinguished themselves on nearly every battle-field of the struggle, and by their heroism and efficiency honoring the State and contributing largely to secure to the nation peace through victory, whereby the Union has been preserved and the national honor and authority vindicated; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor be authorized to appoint a suitable and competent person to collect the material and publish, in one volume, a condensed history of the campaigns of each Michigan regiment, and the part borne by the State in the war: *Provided,* Such history shall be prepared and published at an expense not exceeding twenty-five hundred dollars.

Approved March 27, 1867.

[No. 39.]

JOINT RESOLUTION for the relief of Frederick Annis.

Whereas, It is claimed that Frederick Annis, of the township of Mussey, St. Clair county, did, on the twenty-third day of September, eighteen hundred and fifty-nine, pay to one James J. Scarrett, an alleged agent of the Commissioner of the State Land Office, the sum of one hundred and twenty-five dollars, as part payment of certain State swamp lands, and made due application for the proper certificate therefor;

And whereas, It is claimed that said lands have since been sold to other parties than the said Annis or his assigns, and that said money has not been refunded to said Annis, and that the same should now of right and equity be done, with interest thereon; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and are hereby authorized and instructed to examine said claim, and to allow to said Annis so much of the same, if anything, as they shall find justly and equitably due to him from the State; and for such sum so allowed by said Board, the Auditor General is hereby instructed to draw his warrant on the State Treasurer, and the Treasurer is hereby required to pay the same out of any money in the treasury not otherwise appropriated.

Approved March 27, 1867.

CONCURRENT RESOLUTIONS.

[No. 1.]

CONCURRENT RESOLUTION in relation to a roll of honor.

Resolved, (the House concurring,) That the Adjutant General of the State be authorized and directed to prepare a roll, (to be called the roll of honor,) upon which shall be inscribed the names of all such citizens of Michigan as have fallen in battle, or died in consequence of wounds received during the late war of the rebellion, even though they may have served in regiments or batteries organized in other States.

Approved March 26, 1867.

[No. 2.]

CONCURRENT RESOLUTION.

Resolved, (the Senate concurring,) That the Secretary of the Senate and the Clerk of the House of Representatives be and they are hereby authorized and requested to compile and prepare for publication, and make indexes and superintend the publication of the journals and documents of the present Legislature; and when completed and certified to by the Secretary of State, the Secretary of the Senate shall be entitled to and receive for his services the sum of five hundred dollars, and the Clerk of the House shall be entitled to and receive for his services the sum of five hundred dollars.

Approved March 28, 1867.

[No. 3.]

CONCURRENT RESOLUTION.

Resolved, (the Senate concurring,) That the Sergeant-at-Arms of the House be instructed to procure a suitable United States flag, and raise it over the State House.

Approved March 28, 1867.

[No. 4.]

CONCURRENT RESOLUTION.

Resolved, (the Senate concurring,) That the Legislature of Michigan have full confidence in the patriotism, integrity and discretion of the republican majority of the present Congress of the United States; that the subject of the impeachment of the chief magistrate of the nation is one of grave and solemn responsibility, which the national constitution has devolved upon Congress, and in regard to which this Legislature, at the present time, is neither inclined to advise our Representatives, or instruct our Senators, but only to ask of them a prudent, fearless and conscientious discharge of their duty.

Approved March 28, 1867.

[No. 5.]

CONCURRENT RESOLUTION.

Resolved, (The Senate concurring,) That a joint committee consisting of three members of the House and two from the Senate, be appointed to inquire by what authority, if any, the so-called Detroit and Milwaukee railroad company are exercising the powers and privileges of a corporate body, with power to send for persons and papers, and to report by bill or otherwise.

Approved March 28, 1867.

[No. 6.]

CONCURRENT RESOLUTION.

Whereas, The birthday of Washington is a day hallowed to the heart of every true American, and should be duly observed by all lovers of free institutions; therefore,

Resolved, (the Senate concurring,) That the two Houses of the Legislature meet in joint convention, at three o'clock P. M., to listen to the reading of the farewell address of Washington.

Approved March 28, 1867.

[No. 7.]

CONCURRENT RESOLUTION.

Resolved, (The Senate concurring) That the Secretary of State be and he is hereby authorized to cause a United States flag, of suitable quality and proportions, to be suspended on the buildings occupied by the State offices, daily, during the session of the Legislature, Sundays excepted, and at other times according to the usual custom.

Approved March 28, 1867.

[No. 8.]

CONCURRENT RESOLUTION.

Resolved, (the Senate concurring,) That the Secretary of State, in compiling, as heretofore directed, the highway laws, as they shall exist at the end of the present session, be requested to publish therewith the forms applicable to the highway laws of this State, prepared and published by William T. Young: *Provided*, The use of the copyright thereof for this purpose, can be obtained for a reasonable sum, to be fixed by the Board of State Auditors: *And provided*, That on examination by him the same shall be found applicable to existing laws.

Approved March 28, 1867.

NOTE.—The words and sentences enclosed in brackets in the foregoing laws and resolutions were in the engrossed copies, as passed by the Legislature, but not in the enrolled copies.

CERTIFICATE.

STATE DEPARTMENT, MICHIGAN, }
Secretary's Office, } ss.

I, OLIVER L. SPAULDING, Secretary of State of the State of Michigan, do hereby certify that the date of the final adjournment of the regular session of the Legislature of this State, for the present year, was March twenty-eighth, one thousand eight hundred and sixty-seven.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the great seal of the State of Michigan, at
[L. s.] Lansing, this twenty-fifth day of April, in the year of our Lord one thousand eight hundred and sixty-seven.

OLIVER L. SPAULDING,
Secretary of State.

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